

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37566 to 37570 of 2016

P.Elumalai	..Petitioner in W.P.No.37566 of 2016
P. Soundari	..Petitioner in W.P.No.37567 of 2016
S. Ramakrishnan	..Petitioner in W.P.No.37568 of 2016
Dharmaraj	..Petitioner in W.P.No.37569 of 2016
R. Rameshwaran	..Petitioner in W.P.No.37560 of 2016

vs.

The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai 9.

..R1 in WP.37566, 37567/16
37568/16, 37569/16, 37560/16

The Managing Director
Tamil Nadu State Transport
Corporation (VPM)
Ltd. 3/137 Salamedu
Valuthareddy Post
Villupuram 605 602

..R2 in WP.37566/16, 37568/16

The Managing Director,
Tamil Nadu State Transport
Corporation, (CBE) Ltd., सत्यमेव जयते
Head Office, No.37,
Mettupalayam Road,
Coimbatore-641 043.

..R2 in WP.37567/2016, 37569/16,
37560/16

The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai 2

..R3 in WP.37566/16, 37568/16

Petitions filed under Article 226 of the constitution of India praying to issue a writ of Mandamus or any other writ or

W.P.No.37566 of 2016: Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity Leave Encashment (EL) Leave Encashment (ML-98) Pension arrears Pension DA arrears pending in service Leave Salary for 2 years Arrears in Salary for 10 days and DA arrears with interest of 18% on delayed payment to the petitioner from 30.6.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos. 383 to 457 of 2015 dt 12.6.2015;

W.NO.37567 of 2016: Directing the respondents to settle the petitioners retirement benefits such as Gratuity Settlement arrears and Encashment of Leave Salary (ML-98) Encashment of Leave Salary (EL) and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.5.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos. 383 to 457 of 2015 dt 12.6.2015;

W.NO.37568 of 2016: Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance at the rate of 100% in terms of G.O. (Ms) No. 55 Transport (E) Department dt 4.6.2014 and to pay all the retirement benefits payable to the petitioner including the Gratuity Commutation of pension Leave Encashment (EL) Leave Encashment (ML-98) Pension arrears Pension DA arrears pending in service Leave Salary for the years 2013 and 2014 Settlement arrears DA arrears and Subscription amount of Medical College and Engineering College with interest of 18% on delayed payment to the petitioner from 31.1.2014 the date of retirement to..

W.NO.37569 of 2016: directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Encashment of Leave Salary (EL) Encashment of Leave Salary (ML) DA arrears after extending the benefits of Pay Revision in terms of settlement with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.9.2012 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos. 383 to 457 of 2015 dt 12.6.2015

W.NO.37570 of 2016: Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Encashment of Leave Salary (EL) Encashment of Leave Salary (ML) DA arrears and Settlement Arrears after extending the benefits of Pay Revision in terms of settlement with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.10.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos. 383 to 457 of 2015 dt 12.6.2015

For Petitioner : Mr.V.S.Jagadeesan,
in all the writ petitions

For Respondents : Mr.P.Kannan Kumar,
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions have been filed.

3. I have heard the learned counsel appearing for the petitioners and the learned counsel, who has taken notice on behalf of the respondents.

4. The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

5. Following the said judgment, without going into the merits of the matter, the respondents are directed to disburse the aforementioned retiral benefits to the petitioners herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport

Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 1.1.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi
To

- 1 The Principal Secretary
Government of Tamil Nadu
Transport Department
Secretariat Fort St. George
Chennai 9
- 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd. 3/137 Salamedu Valuthareddy Post
Villupuram 605 602
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai 2
- 4 The Managing Director,
Tamil Nadu State Transport
Corporation, (CBE) Ltd.,
Head Office, No.37,
Mettupalayam Road,
Coimbatore-641 043.

- 5 ccs to M/s. V.S. Jagadeesan, Advocate Sr.61406
- 3 ccs to M/s. P. Kannan Kumar, Advocate Sr.62238
- 1 cc to Government Pleader Sr.61917

W.P.No.37566 of 2016

SSK(CO)
EU 02.12.16