

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.37730 to 37737 of 2016

1.C.Ramasamy	..Petitioner in W.P.No.37730/2016
2.V. Sethupillai	..Petitioner in W.P.No.37731/2016
3.V. Kandsamy	..Petitioner in W.P.No.37732/2016
4.A. Chellappa Udaiyan	..Petitioner in W.P.No.37733/2016
5.D. Balakrishnan	..Petitioner in W.P.No.37734/2016
6.S. Kumar	..Petitioner in W.P.No.37735/2016
7.S. Ganapathy	..Petitioner in W.P.No.37736/2016
8.T. Kannan	..Petitioner in W.P.No.37737/2016

Vs.

- 1 Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by its Managing
Director, 3/137, Salamedu,
Villupuram - 605 602.
- 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Cuddalore Region,
Cuddalore.
..1st and 2nd Respondent in
W.P.No.37730/16 to W.P.No.
37732/16
- 3 The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.
..Respondents in W.P.No.37730/2016

Prayer in W.P.No.37730 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.4,86,350/- towards gratuity, a sum of Rs.5,581/- towards arrears of difference in D.A., and to pay him the monthly pension payable to the petitioner under PRBS from June 2016 with arrears and all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits.

Prayer in W.P.No.37731 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.5,52,015/- towards gratuity a sum of Rs.41,921/- towards earned leave Salary for 37 days a sum of Rs.5,388/- towards arrears of difference in D.A. and a sum of Rs.14,497/- towards arrears of wages as per the settlement dated 13.04.2015 a sum of Rs.40,659/- towards arrears of pension for 3 months a sum of Rs.11,730/- towards D.A. Payable along with pension and a sum of Rs.2,50,728/- towards commuted value pension and to revise his monthly pension as per the salary payable to him as per the settlement as on the date of his retirement and to pay the petitioner the difference amount and revised pension and to pay him the monthly pension payable...

Prayer in W.P.No.37732 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.7,00,787/- towards gratuity a sum of Rs.12,560/- towards earned leave Salary for 10 days a sum of Rs.12,444/- towards arrears of difference in D.A. a sum of Rs.62,500/- towards arrears of pension for 4 months a sum of Rs.15,238/- towards arrears of revised pay for 19 months and a sum of Rs.2,89,302/- towards commuted value of pension and to revise his monthly pension as per the salary payable to him as per the settlement dated 13.04.2015 as on the date of his retirement and to pay the petitioner revised pension with arrears and to pay him the pension payable under the postretirement benefit scheme from June 2016 and all other terminal and...

Prayer in W.P.No.37733 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs. 7,44,240/- towards gratuity a sum of Rs.1,67,506/- towards earned leave Salary for 122 days a sum of Rs.22,990/- towards arrears of wages as per the settlement dated 13.04.2015 a sum of Rs.7,010/- towards arrears of difference in D.A. a sum of Rs.1,19,070/- towards unpaid pension arrears for 7 months and to revise his pension and commutation amount based on the salary payable to him as per the settlement as on the date of his retirement and to pay him the difference amount to pay the petitioner revised pension and to pay him monthly pension payable under PRBS from June 2016 with arrears together with interest at the rate of 12% per annum for...

Prayer in W.P.No.37734 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.4,71,270/- towards gratuity a sum of Rs.2,75,652/- towards earned leave Salary for 228 days a sum of Rs.12,792/- towards arrears of difference in D.A and a sum of Rs.6,400/- towards arrears of wages payable as per the settlement dated 13.04.2015 and to revise his monthly pension and commutation and to pay the difference amount and to pay him revised pension and to pay the petitioner pension under PRBS from June 2016 and all other terminal and Service benefits together with interest at the rate of 12% per annum for all the above benefits award costs.

Prayer in W.P.No.37735 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.7,68,060/- towards gratuity a sum of Rs.2,78,663/- towards earned leave Salary for 207 days a sum of Rs.6,808/- towards arrears of difference in D.A a sum of Rs.15,776/- towards arrears of wages payable as per the settlement dated 13.04.2015 for 16 months a sum of Rs.47,110/- towards sick leave for 35 days a sum of Rs.33,040/- towards arrears of pension for 2 months and to revise his monthly pension and commutation amount based on the correct salary payable to him as per the settlement dated 13.04.2015 as on the date of his retirement and to pay him difference amount and revised pension and to pay the petitioner the monthly pension payable to...

Prayer in W.P.No.37736 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.5,29,897/- towards gratuity a sum of Rs.1,08,900/- towards earned leave Salary for 100 days a sum of Rs.11,401/- towards arrears of difference in D.A and a sum of Rs.4,130/- towards arrears of wages as per the settlement dated 13.04.2015 and to revise his monthly pension and commutation as per the salary payable to him as per the settlement as on the date of his retirement and to pay him the difference amount and revised pension and to pay him the monthly pension payable under PRBS from June 2016 and all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits award costs

Prayer in W.P.No.37737 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.8,22,886/- towards gratuity a sum of Rs.3,67,464/- towards earned leave Salary for 240 days a sum of Rs.1,782/- towards arrears of difference in D.A and a sum of Rs.29,089/- towards sick leave salary for 19 days and to pay him monthly pension payable under PRBS from June 2016 with arrears and all other service and terminal benefits together with interest at the rate of 12% per annum for all the above benefits award costs.

For Petitioners : Mr.R.Krishnaswamy
For Respondents : Mr.S.Sairaman

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, along with interest.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondent requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

5.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).

6.Following the said judgment, without going into the merits

of the matter, the respondent is directed to disburse the aforementioned retiral benefits to the petitioner 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 01.02.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by its Managing
Director, 3/137, Salamedu,
Villupuram - 605 602.
- 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Cuddalore Region,
Cuddalore.
- 3 The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.

+ 1 cc to Mr.V. Ajoy Khose, Advocate SR.61663
+ 1 cc to M/s. S. Sairaman, Advocate Sr.61964

W.P.Nos.37730 to
37737 of 2016

PPA(CO)
EU 4.11.16