

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37928 to 37933 of 2016

- 1 C.Rajendran ... Petitioner in W.P.No.37928 of 2016
- 2 S. Prasad ... Petitioner in WP.No.37929/2016
- 3 S. Rajan ... Petitioner in WP.No.37930/2016
- 4 M.S. Selvaraj ... petitioner in WP.No.37931/2016
- 5 R. Gopikrishnan ... Petitioner in WP.No.37932/2016
- 6 G. Ramachandra Murthy ... Petitioner in WP.No.37933/2016

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 Villupuram Region Villupuram-2
- 3 The Administrator Tamilnadu State Transport Corporations Employees Pension Fund Trust Thiruvalluvar Illam, Pallavan Salai, Chennai 600 002 ... Respondents

Writ petition Nos.37928,37929 to 37933 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner a sum of Rs.3,75,900/- towards gratuity and a sum of Rs. 4,374/- towards arrears of difference in D.A. for 12 months and to pay him pension under the Post Retirement Benefits Scheme 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 and to pay interest for the belated payment of terminal benefits which were already settled to him, award costs.

WP.No.37929 of 2016

A writ in the nature of Mandamus, directing the respondents to pay the petitioner a sum of Rs. 4,44,554/- towards gratuity a sum of Rs. 32 032/- towards earned leave salary for 38 1/2 days and a sum or Rs. 4,872/- towards arrears of difference in D.A. for 12 months a sum of Rs. 51,615/- towards arrears of pension for 5 months and to pay him the pension under the Post

Retirement Benefits Scheme 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 and to pay interest for the belated payment of terminal benefits which were already settled to me, award costs.

WP.No.37930/2016

Writ in the nature of Mandamus, directing the respondents to pay the petitioner a sum of Rs. 5 44 800/- towards gratuity a sum of Rs. 810/- towards arrears of wages as per the settlement dated 13.04.2015 a sum of Rs.11 184/- towards arrears of difference in D.A. 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 and 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 all the above benefits and also to pay interest for the belated payment of the benefits already paid award costs and

WP.No.37931/2016

Writ in the nature of Mandamus, directing the respondents to pay the petitioner a sum of Rs. 5 62 950/- towards gratuity and a sum of Rs. 10 076/- towards arrears of difference in D.A. for 11 months a sum of Rs.43 602 towards earned leave salary for 39 days a sum of Rs.12 444/- towards arrears of wages as per the settlement dated 13.04.2015 a sum of Rs.67 850/- towards arrears of pension for 5 months and a sum of Rs. 2 07 000/- towards commuted value of pension and to revise his monthly pension based on the correct salary payable to him as per the settlement dated 13.04.2015 and to pay the petitioner revised pension with arrears and also the pension under the Post Retirement Benefits Scheme 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 and to pay interest for the belated payment of terminal benefits which were already settled to him, award costs and,

WP.No.37932/2016

a writ in the nature of mandamus, directing the respondents to pay the petitioner a sum of Rs. 440 588/- towards gratuity and a sum of Rs.12 900/- towards arrears of D.A. for 12 months and to pay him the pension under the Post Retirement Benefits Scheme 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 and to pay interest for the belated payment of

terminal benefits which were already settled to petitioner award costs and,

WP.No.37933/2016

writ in the nature of mandamus, directing the respondents to pay the petitioner a sum of Rs. 5 05 470/- towards gratuity a sum of Rs.2 96 582/- towards earned leave salary and sick leave salary for 286.4 days and to revise his pension and commutation amount based on the correct salary payable to him as per the settlement dated 13.04.2015 and to pay the petitioner the difference amount and revised pension and also the pension under the Post Retirement Benefits Scheme 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 and to pay interest for the belated payment of terminal benefits which were already settled to him award costs and

For Petitioner : Mr.R.Krishnaswamy
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 1.2.2017.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
3/137 Salamedu
Villupuram-605 602

2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd Villupuram Region
Villupuram-2

3 The Administrator
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Ellam
Palavan Salai, Chennai 600 002

+1cc to Mr.V. Ajoy Khose, Advocate, S.R.No.62045
+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.63082

rk (CO)
md (7/11/2016)

W.P.Nos.37928 to 37933 of 2016