

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38025 to 38029 of 2016

S.Kalidoss ... Petitioner in W.P.No.38025 of 2016
K.Rajasekaran ... Petitioner in W.P.No.38026 of 2016
R.Karunanithi ... Petitioner in W.P.No.38027 of 2016
T.Nallamuthu ... Petitioner in W.P.No.38028 of 2016
P.Subramanian ... Petitioner in W.P.No.38029 of 2016

vs.

- 1 Tamilnadu State Transport Corporation (Villupuram) Ltd rep by Managing Director 3/137 Salamedu Villupuram- 605 602 ...Ist Respondent in all WPs
- 2 The General Manager Tamilnadu State Transport Corporation (Villupuram) Ltd Villupuram Region) 3/37 Salamedu Vazhuthareddy Post Villupuram-605602. ...R2 in W.P.No.38026/16, 38027/16
- 3 The Administrator Tamilnadu State Transport Corporations Employees Pension Fund Trust Thiruvalluvar Illam Pallavan Salai Chennai-600 002. ...R3 in W.P.No.38026 of 2016

The Administrator,
TNSTCE Pension Trust
Tiruvallur Illam
Pallavan Salai,
Chennai-2.

...R3 in W.P.38027 of 2016

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

...R2 in W.P.No.38028 of 2016

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

...R2 in W.P.No.38029 of 2016

Writ petition No.38025 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.5,29,787/- towards gratuity a sum of Rs.69,540/- for 60 days towards earned leave a sum of Rs.932/- towards arrears of difference in D.A and a sum of Rs.14,390/- towards arrears of wages payable as per the settlement dated 13.04.2015 a sum of Rs.4,768/- towards arrears of D.A for pension and a sum of Rs.2,25,314/- towards commuted value of pension 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, award costs.

Prayer in W.P.No.38026 of 2016:

Writ Petition praying writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.5,50,523/- towards gratuity a sum of Rs.4,976/- towards arrears of difference in dearness allowance a sum of Rs.2,37,831/- towards earned leave salary for 147 1/2 days a sum of Rs.43,932/- towards arrears of wages payable as per the settlement dated 13.04.2015 from 1.9.2013 to the date of retirement on 31.1.2015 a sum of Rs.41,892/- payable to him towards arrears of monthly pension for 3 months a sum of Rs.2,50,025/- towards commuted value of pension to revise his monthly pension based on the correct salary payable as per the settlement dt.13.4.2015 as on the date of his retirement and to pay him difference amounts and revised monthly pension payable under the post Retirement Benefits Scheme and other service and terminal benefits together with interest at the rate of 12% per annum for all the above benefits, award costs.

Prayer in W.P.No.38027 of 2016:

Writ Petition praying to Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.9,45,000/- towards gratuity a sum of Rs.3,744/- towards arrears of difference in dearness allowance a sum of Rs.3,39,881/- towards earned leave salary for 211 1/2 days a sum of Rs.11,385/- towards arrears of wages payable as per the settlement dated 13.04.2015 a sum of Rs.4,500/- towards IRT contributions a sum of Rs.3,48,568/- towards commuted value of pension to revise his monthly pension based on the settlement dt.13.4.2015 as on the date of his retirement and pay him the difference amount and

revised pension to pay the petitioner monthly pension payable under the Post Retirement Benefits scheme payable from June 2016 with arrears and other service and other terminal benefit together with interest at the rate of 12% per annum for all the above benefits award costs.

Prayer in W.P.No.38028 of 2016:

Writ Petition praying to writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,63,461/- towards gratuity a sum of Rs.10,800/- towards arrears of difference in D.A and to pay him 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 and also to pay the petitioner interest for the terminal benefits which were paid to me belatedly award costs.

Prayer in W.P.No.38029 of 2016:

Writ Petition praying to Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,09,960/- towards gratuity a sum of Rs.2,53,920/- towards earned leave salary for 240 days a sum of Rs.2,388/- towards arrears of difference in D.A and a sum of Rs.63,480/- towards Sick leave for 60 days and to pay him monthly pension payable under the Post Retirement benefits Scheme from June 2016 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 Petitioner :Mr.R.Krishnaswamy,
in all the writ petitions

For Respondents :Mr.S.Sairaman,
in all the writ petitions.

COMMON ORDER
सत्यमेव जयते

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(CS IV)

//True Copy//

Sub Assistant Registrar

To

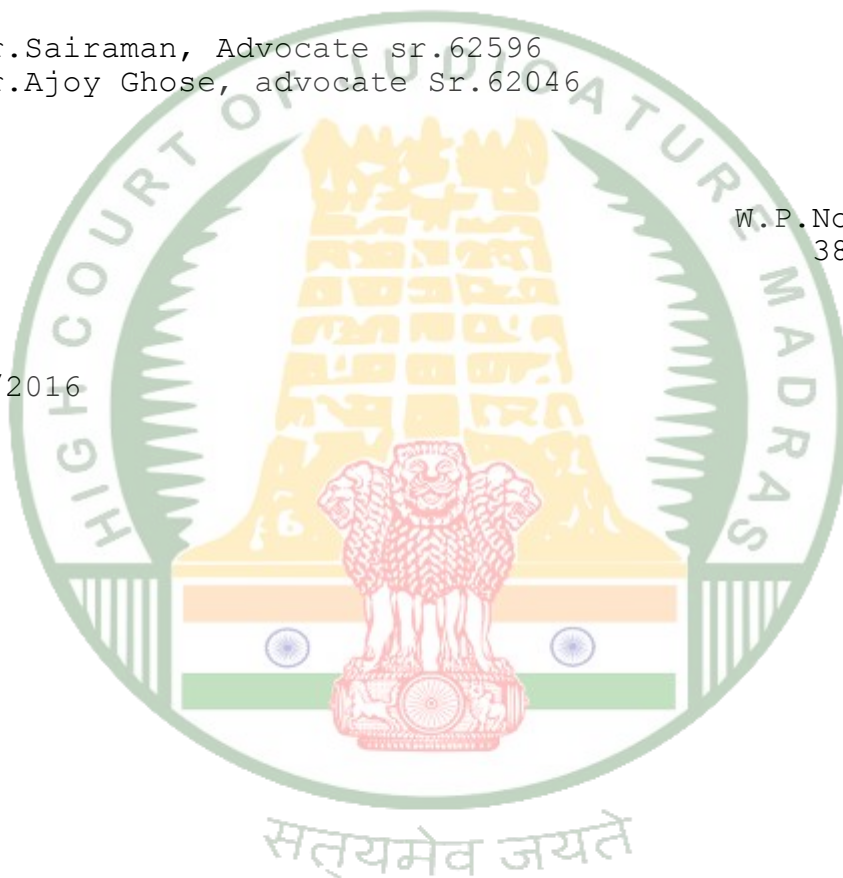
- 1 The Managing Director
Tamilnadu State Transport
Corporation (Villupuram) Ltd
3/137 Salamedu
Villupuram- 605 602
- 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd Cuddalore Region Cuddalore

- 3 The Administrator
Tamilnadu State Transport Corporations
Employees Pension Fund Trust Thiruvalluvar
Illam Pallavan Salai chennai-600 002.
- 4 The General Manager,
TamilNadu State Tansport Corporation,
Villupuram Ltd.,
Villupuram Region, Villupuram.

+lcc to Mr.Sairaman, Advocate sr.62596
+lcc to Mr.Ajoy Ghose, advocate Sr.62046

W.P.Nos.38025 to
38029 of 2016

mg[co]
srg 21/11/2016



WEB COPY