

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38030 to 38033 of 2016

C.Arjunan ... Petitioner in
W.P.No.38030/2016

S.Jayakumar ... Petitioner in
W.P.No.38031/2016

S.Thilakar ... Petitioner in
W.P.No.38032/2016

K.Durai ... Petitioner in
W.P.No.38033/2016

vs.

- 1 Tamilnadu State Transport Corporation (Villupuram) Ltd Rep by its Managing Director 3/37 Salamedu Vazhuthareddy Villupuram-605 602
- 2 The General Manager Tamilnadu State Transport Corporation (Villupuram) Ltd Villupuram Region 3/37 Salamedu Vazhuthareddy Post Villupuram-2
- 3 The Administrator TNSTCE Pension Trust Thiruvalluvar Illam Pallavan Salai Chennai-600 002 ... Respondents in
W.P.No.38030/2016
- 1 Tamilnadu State Transport Corporation (Villupuram) Ltd Rep by its Managing Director 3/37 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 in
W.P.No.38031/2016

- 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

... Respondents in
W.P.No.38032/2016

- 1 Tamilnadu State Transport
Corporation (Villupuram) Ltd Rep by its
Managing Director 3/37 Salamedu
Vazhuthareddy Villupuram-605 602
- 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd Villupuram Region 3/37
Salamedu Vazhuthareddy Post Villupuram-2

- 3 The Administrator
Tamilnadu State Transport Corporations
Employees Pension Fund Trust Thiruvalluvar
Illam Pallavan Salai Chennai-600 002

... Respondents in
W.P.No.38033/2016

Writ petition No.38030 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.3,10,500/- towards gratuity a sum of Rs.9,580/- towards arrears of difference in dearness allowance a sum of Rs.1,35,865/- towards petitioner earned leave salary for 147.2 days and a sum of Rs.18 899/- towards settlement arrears and Rs.7,203/- towards monthly pension arrears. Similarly his monthly pension based on the correct salary payable as per the settlement dated 13.4.2015 as on the date of his retirement and to pay him difference amount and revised monthly pension; to pay the petitioner monthly pension payable under the post Retirement Benefit Scheme and other service and terminal benefits together with interest at the rate of 12% per annum for all the above benefits, award costs.

Writ petition No.38031 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.2,80,245/- towards gratuity a sum of Rs.1,15,990/- towards earned leave salary; a sum of Rs.5,484/- towards difference in D.A. payable along with pension for 12 months in 2015 and 2016; a sum of Rs.23,002/- towards arrears of salary payable to him as per the settlement dated 13.4.2015 and a sum of Rs.12,372/- towards arrears of pension for 2 months and to revise his monthly pension and commuted value of pension based on the salary payable to him as per the settlement 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 under the post Retirement Benefit Scheme from June 2016 with arrears and to pay him all other service and terminal benefits, together with interest at the rate of 12% per annum for all the above benefits and also to pay interest for belated payment of terminal and other benefits already paid, award costs.

Writ petition No.38032 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.6,45,750/- towards gratuity, a sum of Rs.1,19,133/- for 93 days towards earned leave ; a sum of Rs.3,367/- towards arrears of difference in D.A. for 7 months and a sum of Rs.2,68,408/- towards commuted value of pension and to pay him pension under the post Retirement Benefit 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 awards costs.

Writ petition No.38033 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.12,46,905/- towards gratuity a sum of Rs.6,988/- towards

arrears of difference in dearness allowance a sum of Rs.5,35,200/- towards earned leave salary for 240 days; similarly a sum of Rs.5,35,200 towards encashment of Medical earned Leave before the year 1998; and 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

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

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To

- 1 The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Ltd
3/37 Salamedu
Vazhuthareddy Villupuram-605 602
 - 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd Villupuram Region 3/37
Salamedu Vazhuthareddy Post Villupuram-2
 - 3 The Administrator
TNSTCE Pension Trust Thiruvalluvar Illam
Pallavan Salai Chennai-600 002
 - 4 The learned Manager
Tamil nadu State Transport Corporations (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore
 - 5 The Administrator
Tamil Nadu State Transport Corporations,
Employees Pension, Fund Trust,
Thiruvalluvar Illam, Pallavan Salai Chennai 2
- +1cc to Mr.V. Ajoykhose, Advocate, S.R.No.62047
+1cc to Mr.S. sairaman, Advocate, S.R.No.62597

nrjk(CO)
md(21/11/2016)

W.P.Nos. 38030 to 38033 of 2016