

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.11.2016
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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.38103 to 38108 of 2016

M.Sundaresan,	... Petitioner in W.P.No.38103/2016
V.Chinnasamy	... Petitioner in W.P.No.38104/2016
M.Prabuji	... Petitioner in W.P.No.38105/2016
G.Samraj	... Petitioner in W.P.No.38106/2016
D.Appadurai	... Petitioner in W.P.No.38107/2016
P.udayakumar	... Petitioner in W.P.No.38108/2016

Vs.

- 1 The Government of Tamil Nadu
Rep. by the Secretary,
Transport Department,
Secretariat, St. George Fort, Chennai - 600 009.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road, Salem - 636 007.
- 3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri - 636 705.
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Tiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents in W.P.No.38103 to
38108/2016

WP.No.38103 of 2016:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Directing the respondents to settle the petitioner's retirement benefits including Provident Fund Gratuity Commutation Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Social Welfare Amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay

interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.4.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.38104 of 2016:

Directing the respondents to settle the petitioner retirement benefits including Provident Fund Gratuity Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Social Welfare Amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.6.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.38105 of 2016:Directing the respondents to settle the petitioner's retirement benefits including Gratuity Commutation Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Social Welfare Amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.4.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.38106 of 2016:Directing the respondents to settle the petitioner's retirement benefits including Provident Fund Gratuity Commutation Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Social Welfare Amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 29.2.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.NO.38107 of 2016:Directing the respondents to settle the petitioner's retirement benefits including Gratuity Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Salary arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the

respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.3.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.38108 of 2016:

Directing the respondents to settle the petitioner retirement benefits including Provident Fund Gratuity Leave Surrender (EL & ML) IRT Amount ERBS Pension Arrears DA Arrears Settlement Arrears and Social Welfare Amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.5.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

For Petitioners : Mr.M.Selvam
For Respondents : Mr.O.Selvam for R1
Government Advocate
Mr.R.K.Gandhi for R2 to R4

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 from the date of retirement to till date of actual payment to the petitioner, within the time that may be stipulated by this Court.

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 oral 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, learned Government Advocate who takes notice for the first respondent and the learned counsel who take notice for the respondents 2 to 4.

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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Secretary
The Government of Tamil Nadu
Transport Department,
Secretariat, St. George Fort, Chennai - 600 009.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road, Salem - 636 007.

- 3 The General Manager
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Corporation (Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri - 636 705.
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Tiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1 cc to the Government Pleader High Court Madras
sr 62828
+6 cc to M/s.M.Selvam Advocate sr62621

W.P.Nos.38103 to
38108 of 2016

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