

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.38162 to 38164 of 2016

M.S.Sivasubramani, (Staff No.810)

... Petitioner in W.P.No.38162/2016

E.R.Subramanian, (Staff No.117)

... Petitioner in W.P.No.38163/2016

R.Mohamed Hussian, (Staff No.5603)

... Petitioner in W.P.No.38164/2016

Vs.

1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited
No.12, Ramakrishna Road,
Salem – 7. ... Respondent in all the W.Ps.

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002. ... Respondent in W.P.Nos.38162
and

38163/2016

2 The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri.

3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondent in W.P.No.38164/2016

Prayer in W.P.No.38162 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund, Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A.Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2016 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.38163 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A.Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2016 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.38164 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave

Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A.Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2016 within the stipulated time as may be fixed by this Honourable Court.

For Petitioners : Mr.G.Sakthivel

For Respondents : Mr.R.K.Gandhi

COMMON ORDER

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, together with interest, within the stipulated time as may be fixed 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 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.

03.11.2016

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Index: Yes/ No

Internet: Yes/ No

To

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- 2 The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
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R.SUBBIAH,J.
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38164 of 2016**

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