

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.38279 to 38283 of 2016

Mr.T.M.Joghee	... Petitioner in W.P.No.38279/2016
Mr.S.Ambrose	... Petitioner in W.P.No.38280/2016
Mr.T.Manivasagam	... Petitioner in W.P.No.38281/2016
Mr.M.Nagulan	... Petitioner in W.P.No.38282/2016
Mr.M.Rajendran	... Petitioner in W.P.No.38283/2016

Vs.

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai – 600 009.
 - 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore – 641 043.
... Respondents in W.P.Nos.38279 to
38282/2016
-
- 1 The Government of Tamil Nadu
Rep by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai – 600 009.
 - 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy – Post
Villupuram – 605 602.

- 3 The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents in W.P.No.38283/2016

Prayer in W.P.No.38279 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, to settle the retirement benefits namely Gratuity, Surrender 45 days (EL), Encashment of Leave Salary (EL), Encashment of leave salary (ML-98), Social Security Scheme, Settlement Arrears, DA Arrears, after duly taking into account the enhanced dearness allowance and other eligible

terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.38280 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Commutation of Pension, Pension Arrears, Settlement Arrears, DA Arrears, after having duly taking into account the enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.07.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed

in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.38281 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Surrender 60 days (EL), Settlement Arrears, DA Arrears, after having duly taking into account the enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.04.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.38282 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML), DA Arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.11.2012 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.38283 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and

For Petitioners : Mr.V.S.Jagadeesan
For Respondents : Mr.D.Suriya Narayanan for R1
Government Advocate
Mr.P.Kannan Kumar for R2

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, by following the order passed in W.A.(MD).Nos. 383 to 457 of 2015 dated 12.06.2015.

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, the learned Government Advocate as well as 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

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R.SUBBIAH,J.
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