

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38304 to 38309 of 2016

P.Kannaiyaram ... Petitioner in W.P.No.38304 of 2016
K. Kumarasamy ... Petitioner in W.P.No.38305 of 2016
B. Anbu ... Petitioner in W.P.No.38306 of 2016
A. Basheer Ahmed ... Petitioner in W.P.No.38307 of 2016
A. Ranganathasamy ... Petitioner in W.P.No.38308 of 2016
A. Damotharan ... Petitioner in W.P.No.38309 of 2016

vs.

1. The Tamil Nadu Transport Corporation (Villupuram) Ltd,
rep. by its Managing Director,
3/137, Salamedu, Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd,
Villupuram Region,
3/137, Salamedu, Villupuram-605 602.
... Respondents 1 and 2 in
W.P.Nos.38304, 38306 to 38309/16
and Respondents in W.P.No.38205/16
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.
... 3rd Respondent in
W.P.Nos.38304, 38306 to 38309/16

Prayer:-Writ Petition No.38304 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.4,04,455/- towards Gratuity, a sum of Rs.12,468/- towards arrears of difference in Dearness Allowance payable along with his monthly pension and a sum of Rs.4,475/- towards Earned Leave Salary for 5 days and to pay him the monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears and all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits, award costs.

Writ Petition No.38305 of 2016

to issue a writ in the nature of mandamus directing the respondents to pay the petitioner a sum of Rs.4 45 000/- towards gratuity and a sum of Rs.12 516/- towards arrears of difference in dearness allowance payable along with his monthly pension and to pay him the monthly pension payable under 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 award costs

Writ Petition No.38306 of 2016

to issue a writ in the nature of mandamus Directing the respondents to pay the petitioner a sum of Rs.3 11 220/- towards gratuity and a sum of Rs.9 012/- towards arrears of increase in dearness allowance payable along with his monthly pension for 12 months a sum of Rs.1 83 805/- towards earned leave for 189.10 days a sum of Rs.17 240/- towards arrears in pension for 2 months and a sum of Rs.16 584 towards arrears in revised salary and to pay him the monthly pension payable under the post Retirement Benefit Scheme from June 2016 with arrears and all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits award costs

Writ Petition No.38307 of 2016

to issue a writ in the nature of mandamus Directing the respondents to pay the petitioner a sum of Rs.5 81 760/- towards gratuity a sum of Rs.5 484/- towards arrears of difference in dearness allowance a sum of Rs.9 648/- towards petitioner earned leave salary for 4 days a sum of Rs.13 650/- towards arrears of wages payable to him as per the settlement dated 13.4.2015 a sum of Rs.39 999/- towards pension arrears and a sum of Rs.21 798/- towards difference in commutation amount payable to him as per the wage increase as per the settlement as on the date of his retirement and to revise his monthly pension based on the correct salary payable to him as per the settlement dt. 13.4.2015 as on the date of his retirement and to pay the petitioner difference amounts and revised monthly pension and to pay me 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.38308 of 2016

Directing the respondents to pay the petitioner a sum of Rs.4,13,010/- towards gratuity a sum of Rs.2 888/- towards arrears of wages payable as per the settlement dated 13.04.2015

a sum of Rs.117875/- towards earned leave salary for 125 days a sum of Rs.13 260/- towards arrears of pension and a sum of Rs.10547/- towards difference in commuted value of pension and to revise his monthly pension based on the correct salary payable to him 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 from the date of petitioner retirement and 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 and also to pay interest for the benefits which were paid to me belatedly, award costs.

Writ Petition No.38309 of 2016

To issue a writ in the nature of mandamus Directing the respondents to pay the petitioner a sum of Rs.6 19 875/- towards gratuity a sum of Rs.1383/- towards arrears of difference in dearness allowance a sum of Rs.2 89 619/- towards his earned leave salary for 229 1/2 days a sum of Rs.65 565/- towards his earned medical leave for 52 days for the year before 1998 a sum of Rs.37 425/- towards his regular earned leave surrender for the year 2015 & 2016 To revise the petitioner 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 montly 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,a ward costs.

For Petitioner : Mr.R.Krishnaswamy
in all the writ petitions

For Respondents : Mr.P.Kannan Kumar
in all the writ petitions.

COMMON ORDER

By consent, the 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 01.02.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

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Sub Asst. Registrar

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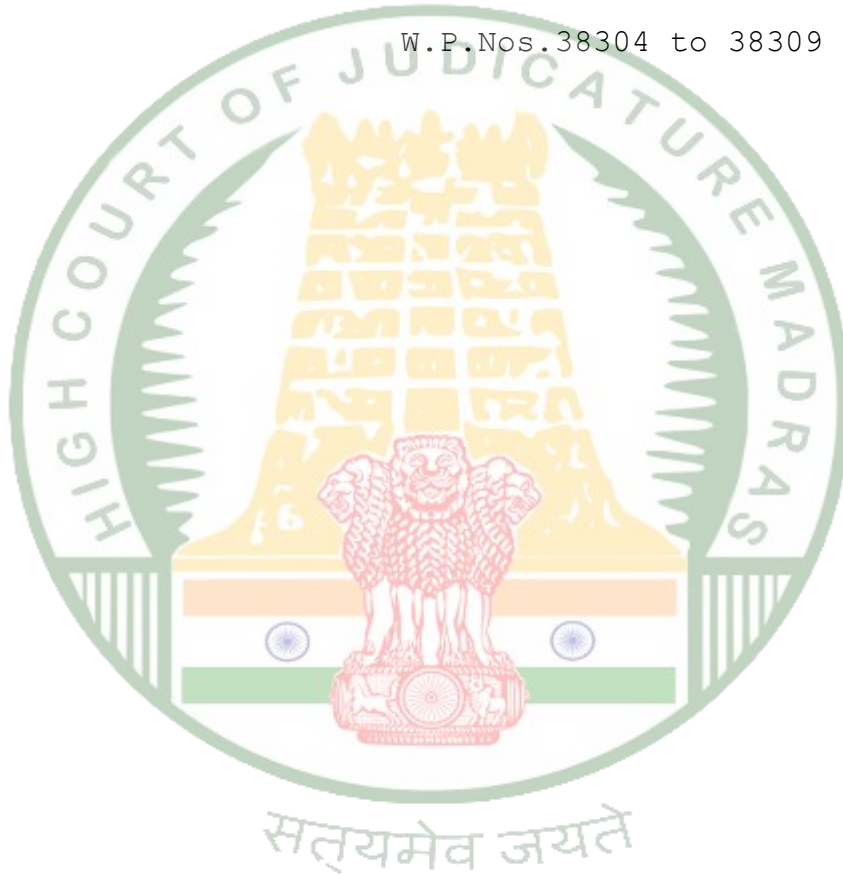
1. The Managing Director,
Tamil Nadu Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram-605 602.
2. The General Manager,
Tamil Nadu Transport Corporation (Villupuram) Ltd,
Villupuram Region,
3/137, Salamedu, Villupuram-605 602.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

1 cc to Mr.V. Ajaykhose, Advocate, Sr. 62878
2 ccs to Mr.P.Kannan Kumar, Advocate, Sr. 63868

W.P.Nos.38304 to 38309 of 2016

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