

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38453 to 38457 of 2016

K.Jeganathan ... Petitioner in W.P.No.38453 of 2016
Syed Faseehullah ... Petitioner in W.P.No.38454 of 2016
C.Balan ... Petitioner in W.P.No.38455 of 2016
P.Sukumaran ... Petitioner in W.P.No.38456 of 2016
V.Manoharan ... Petitioner in W.P.No.38457 of 2016

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
12, Ramakrishna Road,
Salem-636 007. ... Respondent in W.P.38453/16

The General Manager
Tamilnadu State Transport Corporation
Limited(Coimbatore) Regional Office
Chennimalai Road Erode ... Respondent in W.P.No.38454/2016

The Managing Director
Tamilnadu State Transport Corporation
Limited 12 Ramakrishna Road
Salem-636 007 ... Respondent in W.P.No.38455/2016

1.The Managing Director
Tamilnadu State Transport Corporation
Limited 12 Ramakrishna Road Salem-636 007

2.The Administrator
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002 ... Respondent in W.P.No.38456/2016

The Managing Director
Tamilnadu State Transport Corporation
Limited 12 Ramakrishna Road
Salem-636 007 ... Respondent in W.P.No.38457/2016

Prayer:-Writ Petition No.38453 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner all his retirement benefits including Gratuity, Surrender Leave Salary i.e. Earned Leave Balance as on 31.10.2013, Leave Encashment, Arrears of increased Salary, Surrender Medical Leave Salary up to 01.09.1998, which was already surrendered by calculating D.A. eligible as per newly implemented scheme and IRTT amount with interest at 12% p.a. w.e.f. 01.11.2013 within a time that may be stipulated by this Court.

Prayer in W.P.No.38454 of 2016:

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus directing the respondent to disburse the surrender leave salary i.e. Earned leave balance as on 31.05.2015 with interest at 12% per annum with effect from 01.06.2015 within stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Prayer in W.P.No.38455 of 2016:

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus directing the respondent to disburse the payments relating to Gratuity Surrender Leave Salary i.e Earned leave balance for 2008-2010 Earned Leave Encashment Surrender medical leave salary up to 01.09.1998 which was already surrendered and contracted increased salary benefits by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.11.2013 within stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Prayer in W.P.No.38456 of 2016:

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of

Mandamus directing the respondents to disburse the payments relating to Provident Funds Gratuity Salary arrears and Pension dearness allowance arrears ERBS Pension arrears Surrender Leave salary i.e Earned leave balance as on 30.04.2015 balance dearness allowance surrender medical leave salary up to 01.09.1998 by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.05.2015 within stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Prayer in W.P.No.38457 of 2016:

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus directing the respondent to disburse the payments relating to Earned leave salary for 80 days by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.07.2013 within stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner :Mr.I.C.Vasudevan
in all the writ petitions
For Respondents :Mr.R.K.Gandhi
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/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
12, Ramakrishna Road,
Salem-636 007.

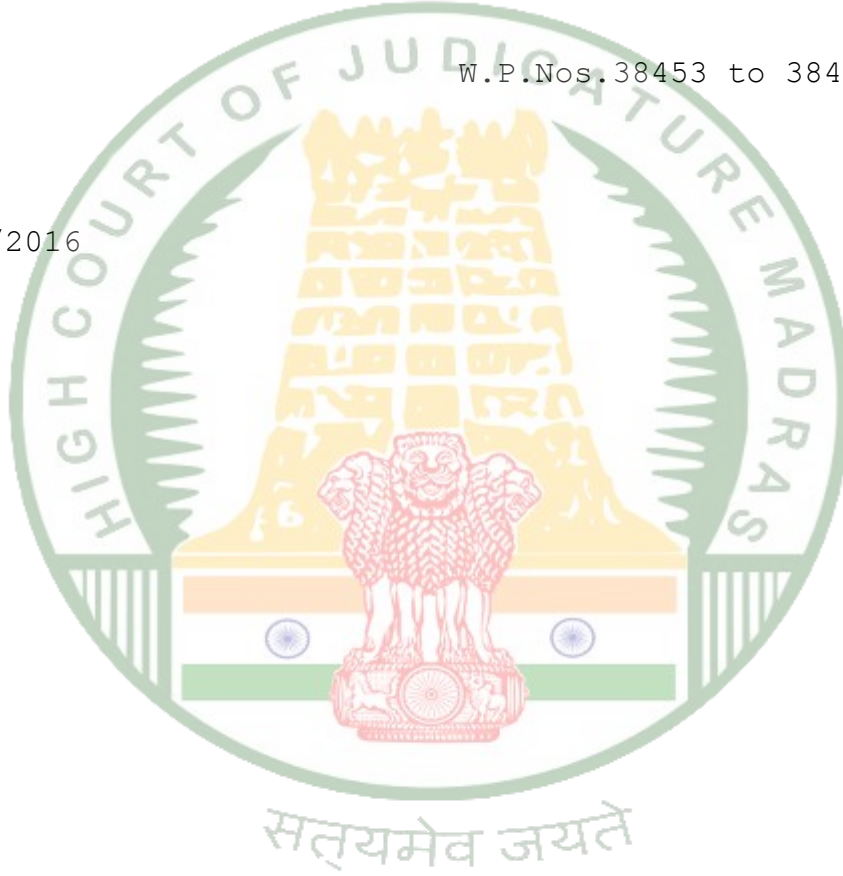
2.The General Manager,
TamilNadu State Transport Corporation
Limited(Coimbatore) Regional Office,
Chennimalai Road, Erode.

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

+5cc to Mr.I.C.Vasudevan, Advocate Sr.63239, 63240,63241,63243
and 63242

W.P.Nos.38453 to 38457 of 2016

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srg 08/11/2016



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