

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.38492 to 38495 of 2016

G.Chandrasekaran ... Petitioner in W.P.38492/2016

G.Viswanathan ... Petitioner in W.P.38493/2016

M.A.Sardar ... Petitioner in W.P.38494/2016

R.Annamalai ... Petitioner in W.P.38495/2016

Vs.

1. State of Tamil Nadu rep. by the
Additional Chief Secretary to Government,
(Chairman, Transport Corporations)
Transport Department,
Fort St. George,
Chennai-9.

2. The Management of Tamil Nadu Transport
Corporation (Salem) Ltd,
rep. by the Managing Director,
12, Ramakrishna Salai, Salem 636 007.

3. Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust
rep. by its Administrator,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

... Respondents in all the
Writ Petitions

Writ Petition Nos.38492 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to settle and disburse the amount payable to the petitioner towards Provident Fund, Leave Salary and Salary payable in lieu of Surrender Leave and incentive and commutation encashment of Leave Salary, Salary payable in lieu of Surrender Leave, Gratuity and revised salary pursuant to settlement of February, 2015 in full together with

interest at the rate of 10% p.a. from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

Writ Petition Nos.38494 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to settle and disburse the amount payable to the petitioner towards Leave Salary and Salary payable in lieu of Surrender Leave and incentive and commutation encashment of Leave Salary, Salary payable in lieu of Surrender Leave Gratuity and revised salary pursuant to settlement of February, 2015 in full together with interest at the rate of 10% p.a. from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

Writ Petition Nos.38493 and 38495 of 2016 have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to settle and disburse the amount payable to the petitioners towards Provident Fund, Leave Salary and Salary payable in lieu of Surrender Leave and incentive and commutation encashment of Leave Salary, Salary payable in lieu of Surrender Leave Gratuity and revised salary and Agreement Salary incentive for the month of September, 2013 pursuant to settlement of February, 2015 in full together with interest at the rate of 10% p.a. from the date when the payment became realisation to the petitioners within such time as stipulated by this Court.

For Petitioner : Mr.K.Harikrishnan
in all the writ petitions

For 1st respondent : Mr.K.Dhanajayan,
Special Government Pleader

For Respondents : Mr.R.K.Gandhi
2 and 3

COMMON ORDER

By consent, the main 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 Special Government Pleader, who has taken notice on behalf of the 1st respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

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 1st respondent is 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 VII)

//True Copy//

Sub Assistant Registrar

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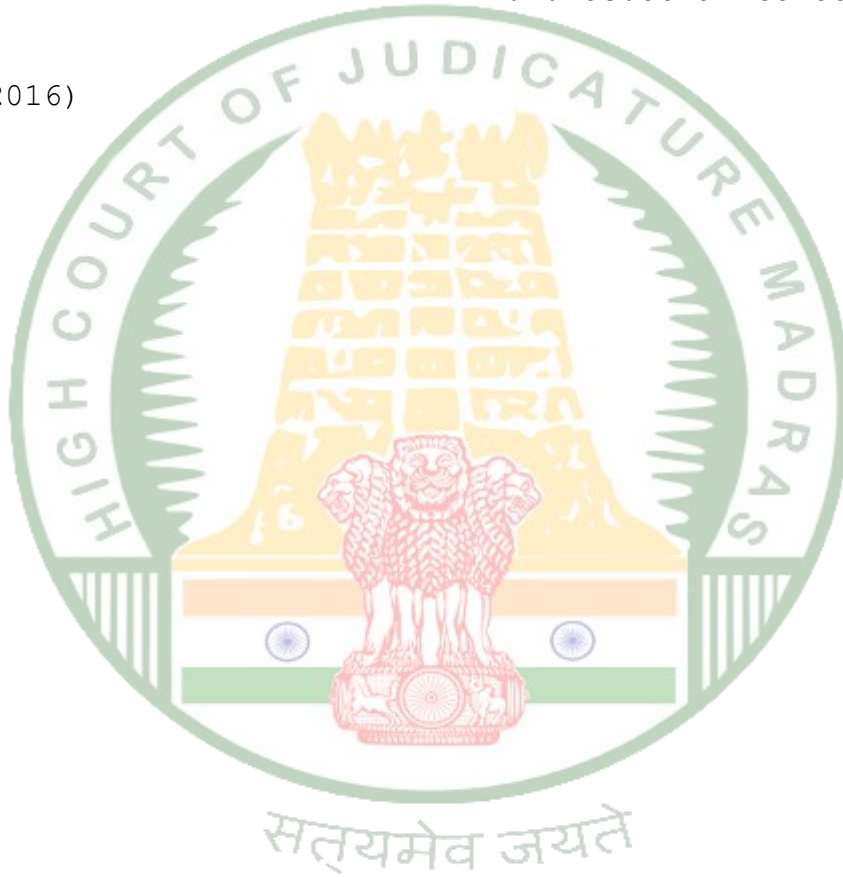
1. The Additional Chief Secretary to Government,
(Chairman, Transport Corporations)
State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai-9.
2. The Managing Director,
Management of Tamil Nadu Transport
Corporation (Salem) Ltd,
12, Ramakrishna Salai, Salem 636 007.

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

+4cc's to Mr.R.K.Gandhi, Advocate, S.R.No.63980

W.P.Nos.38492 to 38495 of 2016

SK(CO)
CA(25/11/2016)



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