

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38571 to 38573 of 2016

A.Jayapal ... Petitioner in W.P.38571 of 2016
P.Paramasivam ... Petitioner in W.P.38572 of 2016
G.Venkatesan ... Petitioner in W.P.38573 of 2016

Vs

1. The Government of Tamil Nadu
Rep. by the Secretary
Transport Department
Secretariat St. George Fort
Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12 Ramakrishnan Road
Salem 636 007.
3. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd. Dharmapuri Region
Bharathipuram Dharmapuri 636 705.
4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai Chennai 600 002.

... Respondents in all the W.Ps.

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioners' retirement benefits including Gratuity, Leave Surrender (EL & ML), IRT amount, ERBS Pension Arrears, DA arrears, Settlement Arrears and Salary arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and

consequently directing the Respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.12.2014, 30.06.2014 and 30.06.2013, respectively, to till date of actual payment to the petitioners within the time that may be stipulated by this Court.

For Petitioners : Mr.M.Selvam,
in all the writ petitions

For Respondents : Mr.O.Selvam,
Government Advocate for R1
Mr.R.K.Gandhi for R2 to R4
in all the writ petitions

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, learned Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 to 4.

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 1.2.2017.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar
sbi

To

1. The Secretary
Transport Department
Secretariat St. George Fort
Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12 Ramakrishnan Road
Salem 636 007.
3. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd. Dharmapuri Region
Bharathipuram Dharmapuri 636 705.
4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House Pallavan Salai
Chennai 600 002.

+3cc's to Mr.M.Selvam, Advocate, S.R.No.63416
+3cc's to Mr.R.K.Gandhi, Advocate, S.R.No.63978

W.P.Nos.38571 to 38573 of 2016

TRM(CO)
CA(11/11/2016)