

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38652 to 38656 of 2016

K.Duraisamy Petitioner in
W.P.No.38652 of 2016

G.V.Radhakrishnan Petitioner in
W.P.No.38653 of 2016

S.Thirumalai Petitioner in
W.P.No.38654 of 2016

S.P.Kandasamy Petitioner in
W.P.No.38655 of 2016

M.Dharmalingam Petitioner in
W.P.No.38656 of 2016

Vs

1 The Managing Director
Tamil Nadu State Transport Corporation Ltd.
12 Ramakrishna Road
Salem-636 007. Respondent in all
the W.Ps.

Prayer in W.P.No.38652 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Provident Fund and Family Welfare Fund Surrender Leave Salary i.e Earned Leave balance as on 30.06.2016 Leave Encashment IRT T amount surrender medical leave salary up to 1.9.1998 which was already surrendered by calculating D.A. Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.07.2016 within stipulated time.

Prayer in W.P.No.38653 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse the payments relating to Gratuity Surrender Leave Salary i.e Earned Leave balance as on 31.03.2013 Earned Leave Encashment

Surrender medical leave salary up to 1.9.1998 which was already surrendered by calculating D.A. Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.04.2013 within stipulated time.

Prayer in W.P.No.38654 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse the payments relating to Surrender Leave Salary i.e Earned Leave balance for 2008-2010 Earned Leave Encashment surrender medical leave salary up to 1.9.1998 which was already surrendered by calculating D.A. Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.03.2013 within stipulated time.

Prayer in W.P.No.38655 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse the payments relating to Surrender Leave Salary i.e Earned Leave balance for 2008-2010 Earned Leave Encashment surrender medical leave salary up to 1.9.1998 which was already surrendered by calculating D.A. Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.04.2013 within stipulated time.

Prayer in W.P.No.38656 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 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 1.9.1998 which was already surrendered by calculating D.A. Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.06.2014 within stipulated time.

For Petitioner :Mr.I.C.Vasudevan,
in all the writ petitions.

For Respondent :Mr.R.K.Gandhi,
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 respondent, 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 respondent.

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 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 1.2.2017.

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.

+5cc to M/S.R.K.Gandhi, Advocate Sr.63985

W.P.Nos.38652 to
38656 of 2016

mp[co]
srg 10/11/2016