

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition Nos.38746 to 38755 of 2016

P.Albert Soundararajan
Tradesman St.No.7080 ... Petitioner in WP.38746/16

Mr.M.Kuselan
Spl Gr.Conductor St.No.7612 ... Petitioner in WP.38747/16

K.Soundararajan
St.Tradesman St.No10784 ... Petitioner in WP.38748/16

S.Rajendran
Spl.Gr.Conductor St.No.10912 ... Petitioner in WP.38749/16

K.Balachandran
Foreman St.No.A30194 ... Petitioner in WP.38750/16

P.Subramanian ... Petitioner in WP.38751/16

M.Sundersamy ... Petitioner in WP.38752/16

P.Karthikeyen ... Petitioner in WP.38753/16

M.Murugesan ... Petitioner in WP.38754/16

N.Arjunan ... Petitioner in WP.38755/16

vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-9.1st Respondent in WP.38746/16

2. The Managing Director,
Tamil Nadu Transport Corporation (CBE) Ltd,
Head Office : No.37, Mettupalayam Road,
Coimbatore-641 043.2nd Respondent in WP.38746/16,
38748/16,38749,38751 to WP.38755/16

3. The Managing Director
Tamil Nadu State Transport
Corporation(Villupuram) Ltd
3/137, Salamedu
Valuthareddy Post
Villupuram ...2nd Respondent in WP.38747/16

4.State Express Transport
Corporation Ltd (Old Name Thiruvalluvar
Transport Corporation Ltd) rep by
its Managing Director
Pallavan Salai, Chennai

...2nd Respondent in WP.38750/
2016

5.The Administrator
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai

...3rd Respondent in WP.38750/
2016

Prayer:-These Writ Petitions under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of Settlement payable to the petitioner, namely, Gratuity, D.A. Arrears and Settlement Arrears with enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.11.2013 the date of retirement till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015.

WP.No.38746 of 2016:Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity DA arrears and Settlement arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.11.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38747 of 2016:Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Encashment of leave salary (EL) Encashment of leave salary (ML-98) DA arrears Pending in service Leave salary and Retirement Benefits Scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38748 of 2016:Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Provident Fund Encashment leave salary (EL) DA arrears Pending in service leave salary Social security scheme settlement arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.07.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38749 of 2016:

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Settlement Arrears DA arrears Encashment of Leave salary (EL) with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.01.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38750 of 2016:Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Difference in Gratuity Pension arrears Provident fund Encashment of leave salary (EL) Encashment of leave salary (Ml-98) Social Security Scheme DA arrears Settlement arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.11.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38751 of 2016:Directing the respondents to settle the petitioner retirement dues such as Encashment of unearned leave on private affairs order in government letter No.37568/BPE/2006 dated 28.01.2008 and to pay the difference to encashment of earned leave with interest of 18% on delayed payment from 31.01.2009 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38752 of 2016:Directing the respondents to settle the petitioners retirement dues such as Difference in Encashment of leave salary and the Encashment of unearned leave on private affairs after taking into account the VIth Pay Commission with interest of 18% on delayed payment from 30.11.2007 the date of retirement to till the date of settlement of the terminal

benefits to the petitioner by following the order passed in W.A (MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.No.38753 of 2016:Directing the respondents to settle the petitioner retirement dues such as Encashment of unearned leave on private affairs and difference in Encashment of earned leave after taking into account the VI pay commission with interest of 18% on delayed payment from 28.02.2007 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.NO.38754 of 2016:Directing the respondents to settle the petitioners retirement dues such as Encashment of unearned leave on private affairs order in Government letter No.37568/BPE/2006 dated 28.01.2008 and the difference in Encashment of earned leave with interest of 18% on delayed payment from 30.06.2008 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A(MD).Nos.383 to 457 of 2015 dated 12.06.2015

WP.NO.38755 of 2016:Directing the respondents to settle the petitioner retirement dues such as Difference in Encashment of leave salary and the Encashment of unearned leave on private affairs after taking into account the VIth Pay Commission with interest of 18% on delayed payment from 31.12.2007 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A (MD).Nos.383 to 457 of 2015 dated 12.06.2015

For Petitioner : Mr.V.S.Jagadeesan
in all the writ petitions
For 1st Respondent : Mr.P.Selvam, Govt. Advocate
in all the writ petitions.
For 2nd respondent : Mr.S.Sairaman

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 Government Advocate, who has taken notice for the 1st respondent and the learned counsel, who has taken notice on behalf of the 2nd 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Managing Director,
Tamil Nadu Transport Corporation (CBE) Ltd,
Head Office : No.37, Mettupalayam Road,
Coimbatore-641 043.

3. The Managing Director
Tamil Nadu State Transport
Corporation(Villupuram) Ltd
3/137, Salamedu
Valuthareddy Post
Villupuram

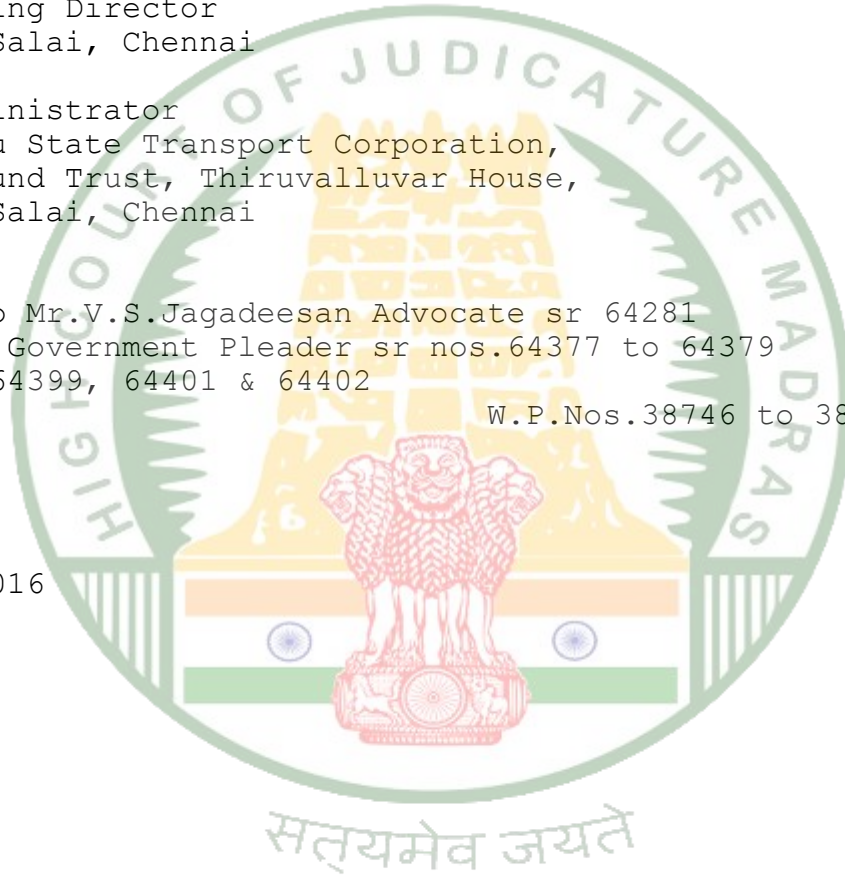
4.State Express Transport
Corporation Ltd (Old Name Thiruvalluvar
Transport Corporation Ltd) rep by
its Managing Director
Pallavan Salai, Chennai

5.The Administrator
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai

+10 ccs to Mr.V.S.Jagadeesan Advocate sr 64281
+9 ccs to Government Pleader sr nos.64377 to 64379
64396 to 64399, 64401 & 64402

W.P.Nos.38746 to 38755 of 2016

scd(co)
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