

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.38976 to 38992 of 2016

P.Subramaniam	..Petitioner in W.P.No.38976/2016
S. Thangamani	..Petitioner in W.P.No.38977/2016
S. Deivasigamani	..Petitioner in W.P.No.38978/2016
C. Ponmudi	..Petitioner in W.P.No.38979/2016
V. Panneerselvam	..Petitioner in W.P.No.38980/2016
S.M. Ramasamy	..Petitioner in W.P.No.38981/2016
M. Ramesh Babu	..Petitioner in W.P.No.38982/2016
S. Sengottuvel	..Petitioner in W.P.No.38983/2016
K. Kandasamy	..Petitioner in W.P.No.38984/2016
M. Yuvaraju	..Petitioner in W.P.No.38985/2016
V. Dhanapal	..Petitioner in W.P.No.38986/2016
A.N.Radhakrishnan	..Petitioner in W.P.No.38987/2016
K. Kesavan	..Petitioner in W.P.No.38988/2016
V. Boobathy	..Petitioner in W.P.No.38989/2016
A. Krishnamoorthy	..Petitioner in W.P.No.38990/2016
D. Munirathinam	..Petitioner in W.P.No.38991/2016
S. Rajasekaran	..Petitioner in W.P.No.38992/2016

vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust Thiruvalluvar
House Pallavan Salai, Chennai-2.

..Respondents in all the writ
petitions in WP.38976/2016

These Writ petitions filed under Article 226 of the Constitution of India to issue a writ or order or direction or in the nature of Writ of mandamus,

W.P.No.38976 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P No.38977 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P No.38978 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P No.38979 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P No.38980 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology

(IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38981 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Payment of Commuted Value of Pension c) Provident Fund d) Institute of Road and Transport Technology (IRTT) Fund e) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38982 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.38983 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.38984 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Payment of Commuted Value of Pension d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.38985 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38986 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38987 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38988 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.38989 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38990 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension e) Provident Fund f) Institute of Road and Transport Technology (IRTT) Fund g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.38991 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Payment of Commuted Value of Pension d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.38992 of 2016: Directing the respondents to settle the a) Payment of Gratuity b) Earned Leave c) Medical Leave and Old Medical Leave d) Provident Fund e) Institute of Road and Transport Technology (IRTT) Fund f) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

For Petitioner : Mr.N.Sudhagar Nagaraj,
in all the writ petitions

For Respondents : 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 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 1.2.2017.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713 Salem-636
007.
 - 2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713 Salem-636
007.
 - 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust Thiruvalluvar
House Pallavan Salai Chennai-2.
- + 17 ccs to Mr.N. Suthagar Nagaraj, Advocate SR.64014

W.P.Nos.38976 to
38992 of 2016

NR1(CO)
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