

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39008 to 39017 of 2016

W.P.No.39008 of 2016:

R.Natarajan ... Petitioner in WP.No.39008/16
R. Priya Kumar ... Petitioner in WP.No.39009/16
R. Govindasamy ... Petitioner in WP.No.39010/16
R. Gopalakrishnan ... Petitioner in WP.No.39011/16
J. Anumanthan ... Petitioner in WP.No.39012/16
K.P. Rajendran ... Petitioner in WP.No.39013/16
N. Annamalai ... Petitioner in WP.No.39014/16
K. Sundaram ... Petitioner in WP.No.39015/16
R. Devarajan ... Petitioner in WP.No.39016/16
M. Munisamy ... Petitioner in WP.No.39017/16

vs.

- 1 The Government of Tamilnadu
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 Wps.

Writ petition No.39008 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Leave Surrender (EL & ML), IRT amount, ERBS pension arrears, DA arrears, Settlement arrears and Social Welfare amount 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. 30.06.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.39009/2016: 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 Social Welfare fund 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. 28.02.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39010/2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL & ML) IRT amount ERBS pension arrears DA arrears and Settlement 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. 30.09.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39011/2016: 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 Social Welfare amount 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. 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39012 of 2016 : Directing the respondents to settle the petitioner retirement benefits including Gratuity Leave Surrender (EL & ML) ERBS Pension arrears DA arrears and Settlement 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. 31.01.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

WP.No.39013/2016 : Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (EL & ML) IRT amount ERBS Pension Arrears DA arrears Settlement arrears and Social Welfare fund 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 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39014/2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL & ML) IRT amount ERBS Pension Arrears DA arrears and Settlement 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. 31.5.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39015/2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL & ML) IRT amount ERBS Pension Arrears DA arrears and Settlement 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. 28.2.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39016/2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL & ML) IRT amount ERBS Pension Arrears DA arrears Settlement arrears Social Welfare fund 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. 31.5.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.No.39017/2016: Directing the respondents to settle the petitioners retirement benefits including Provident Fund Gratuity Commutation Leave Surrender (EL & ML) IRT amount ERBS Pension Arrears DA arrears Settlement arrears Social Welfare fund 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. 31.5.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

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

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader,
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 Special Government Pleader, 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

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary
Government of Tamilnadu
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.

+10 cc to Mr.M. Selvam, Advocate, S.R.No.64726
+1cc to the Government Pleader, S.R.No.64623

sm (CO)
md (15/11/2016)

W.P.Nos.39008 to 39017 of 2016

सत्यमेव जयते

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