

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39024 to 39034 of 2016

K.S.Sanmugam ..Petitioner in W.P.No.39024/2016
R. Mani ..Petitioner in W.P.No.39025/2016
R. Dhanasekar ..Petitioner in W.P.No.39026/2016
C. Sampath ..Petitioner in W.P.No.39027/2016
M. Asaithambi ..Petitioner in W.P.No.39028/2016
I. Amalavanan ..Petitioner in W.P.No.39029/2016
D. Muruganandam ..Petitioner in W.P.No.39030/2016
S.A. Syedmadhar ..Petitioner in W.P.No.39031/2016
S. Kandasamy ..Petitioner in W.P.No.39032/2016
R Gunasekaran ..Petitioner in W.P.No.39033/2016
K. Pandurangan ..Petitioner in W.P.No.39034/2016

vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12
Ramakrishna Road Salem 636 007.
..1st Respondent in all WPs.
- 2 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.
Dharmapuri Region Salem. ..2nd Respondent in WP.39024/16
- 3 The General Manager,
Tamil Nadu State Transport Corporation (Salem), Ltd.,
Dharmapuri Region,
Dharmapuri 636 705. ..2nd Respondent in WPs.39025
to 39034/2016
- 4 The Administrator
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai
Chennai 600 002.
..3rd Respondent/in all WPs.

These Petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus or any other appropriate Writ or direction more particularly in the nature of Writ of Mandamus;

W.P.No.36024 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund , Gratuity Pension Commutation, Leave Encashment (Earned & Old Medical Leave), Yearly Leave Surrender amount while on duty, ERBS amount, IRT amount, D.A. Arrears, Labour Welfare Fund and all other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.05.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36025 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36026 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.05.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36027 of 2016: Direction the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.03.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36028 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36029 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36030 of 2016: Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS amount IRT amount D.A. arrears Social Welfare Fund and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.10.2015 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36031 of 2016: Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS amount IRT amount D.A. arrears and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36032 of 2016: Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS amount D.A. arrears (2013) 5.5 Settlement arrear 5.5 Pension arrear and other attendant benefits by calculating D.A.

eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.02.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36033 of 2016: Directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS amount D.A. arrears (2013) 5.5 Settlement arrear 5.5 Pension arrear and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.36034 of 2016: Directing the Respondents to disburse the payments relating to Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS amount IRT amount D.A. arrears and other attendant benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2011 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Pradeep
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(CS III)

//True Copy//

Sub Assistant Registrar

sbi

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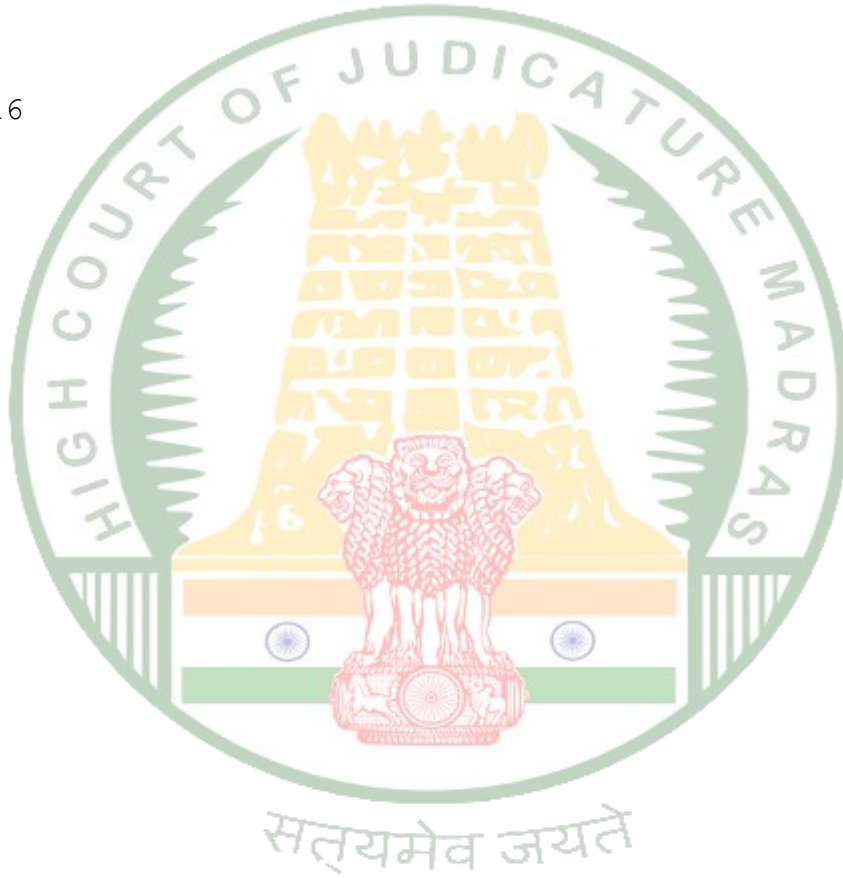
- 1 The Managing Director
Tamil Nadu State Transport Corporation
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636 007.
- 2 The General Manager
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(Salem) Ltd. Dharmapuri Region Salem.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 600 002.

4 The Administrator
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai
Chennai 600 002.

+ 11 ccs to Mr.J. Pradeep, Advocate SR.65170

W.P.Nos.39024 to
39034 of 2016

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