

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.39221 to 39225 of 2016

E.Sivakami ... Petitioner in W.P.No.39221/2016
K.Mani ... Petitioner in W.P.No.39222/2016
A.Loganathan ... Petitioner in W.P.No.39223/2016
A.Amutha ... Petitioner in W.P.No.39224/2016
P.Vellaiyan ... Petitioner in W.P.No.39225/2016

Vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.
- 2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
... Respondents in all the W.Ps.

Prayer in W.P.No.39221 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, D.A. Arrears

and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.05.2012 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.39222 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2012 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.39223 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.04.2013 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.39224 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.06.2013 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.39225 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Medical Leave), Surrender Leave Salary for year of 2009-2011 and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.12.2014 within the stipulated time as may be fixed by this Honourable Court.

For Petitioners

: Mr.G.Sakthivel

For Respondents : Mr.R.K.Gandhi

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, together with interest, within the time stipulated by this Court.

3.The petitioners are the legal heirs of the retired employees and retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondent requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

5.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).

6.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 01.02.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.
- 2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+5 cc to G. Sakthivel, Advocate Sr.No.65431(01/12/2016)

ksj (CO)
md(24/11/2016)

सत्यमेव जयते

W.P.Nos.39221 to 39225 of 2016

WEB COPY