

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P.Nos.39241 to 39246 of 2016

K.Chinnaraju, Staff No.CR5404 ..Petitioner in W.P.No.39241/16
K.Shanmugam, Staff No.DR5429 ..Petitioner in W.P.No.39242/16
V.Narashimhan, Staff No.CR5128 ..Petitioner in W.P.No.39243/16
T.M.Muniraj, Staff No.TR0521 ..Petitioner in W.P.No.39244/16
M.Lazer, Staff No.DR.2303 ..Petitioner in W.P.No.39245/16
V.Chandrasekaran, Staff No.61754..Petitioner in W.P.No.39246/16
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 WP.39241 to 39244/16
- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vazhuthareddy Villupuram-
605 602
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Cuddalore Region Cuddalore
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002. ..Respondents

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vazhuthareddy Villupuram- 605 602
 - 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Kancheepuram Region Kancheepuram
 - 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002. ..Respondents in WP.39245/16
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- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vazhuthareddy Villupuram-605 602
 - 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Cuddalore Region Cuddalore.
 - 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002. ..Respondents in WP.39246/16

These Writ Petitions are filed under Article 226 of the Constitution of India to issue 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 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., 30.04.2015 in WP.39241/16, 31.5.11 in WP.39242/16, 31.3.2013 in WP.39243/16, 30.6.15 in WP.39244/16, 31.1.15 in WP.39245/16, 31.12.14 in WP.39246/16 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioners : Mr.M.Selvam

For Respondents : Mr.O.Selvam for R1
Government Advocate
Mr.R.K.Gandhi for R2 to R4

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 retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made oral 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 Government Advocate as well as 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/-
Asst. Registrar (CCC)
Dt. 14.11.16

***Corrected order to go
sd/-
Sub Assistant Registrar (Co)
dt. 30.1.17**

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary, [To be substituted order
Government of Tamilnadu already despatched on 30.1.17]
Transport Department,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road, Salem - 636 007.
- 3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
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.
- *5 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy, Villupuram.**
- 6 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region, Cuddalore.**

**7 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kanchipuram Region, Kanchipuram.**

+6 cc's to Mr.M.Selvam,advocate,sr.65086

+1 cc to Govt Pleader,sr.64931.

ctr(co)
krd 14/11
krd 30/1

W.P.Nos.39241 to 39246 of 2016



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