

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39797 to 39807 of 2016

M. Padmanapan ... Petitioner in W.P.No.39797 of 2016
C. Gnanaprasath ... Petitioner in W.P.No.39798 of 2016
D. Sekar ... Petitioner in W.P.No.39799 of 2016
M. Dakshinamoorthy ... Petitioner in W.P.No.39800 of 2016
V. Ragunath ... Petitioner in W.P.No.39801 of 2016
S. Kandasamy ... Petitioner in W.P.No.39802 of 2016
K. Selvaraj ... Petitioner in W.P.No.39803 of 2016
B. Belliraj ... Petitioner in W.P.No.39804 of 2016
P. Udayakumar ... Petitioner in W.P.No.39805 of 2016
P. Sundararaj ... Petitioner in W.P.No.39806 of 2016
G. Manivelu ... Petitioner in W.P.No.39807 of 2016

vs.

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-600 009 ...1st Respondent in all the Petitions
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No. 37 Mettupalayam Road
Coimbatore-641 043 ... 2ndRespondent in
W.P.No.39797, 39798, 39801, 39802,
39803, 39804, 39805, 39806 and
39807/16

The Managing Director
Tamilnadu state Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post
Villupuram 605 602 ...2nd Respondent in W.P.NO.39799
and 39800/16

The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
Thiruvallur House, Pallavan Salai
Chennai-23rd Respondent n W.P.No.39798
to 39806/16

Writ petitions has been filed under Article 226 of the Constitution of India, praying for Writs of mandamus directing the respondents to settle the petitioner's retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity, Encashment leave salary (EL), DA Arrears, Pending in service leave salary, Encashment leave Salary (ML-98), Social Security Scheme, Settlement arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015. (W.P.No.39797/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Encashment leave salary (EL) DA Arrears Pending in service leave salary Encashment leave Salary (ML-98) Social Security Scheme Settlement arrears Pension Commutation with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39798/16)

Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Encashment of leave salary (EL) Encashment of Leave Salary (ML-98) Commutation of Pension pending in service leave salary for the year 2013-14 2014-15 2015-16 (45 days) DA arrears PF Arrears Retirement Benefit Scheme Encashment of unearned leave on private affairs order in Government letter No. 37568/BPE/2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.09.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.6.2015. (W.P.No.39799/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all retirement benefits payable to the petitioner including the Gratuity Leave Encashment (EL) pension arrears Pension DA arrears Retirement Benefits Scheme DA Arrears with interest of 18% on delayed payment to the petitioner from 31.05.2013 the date of retirement to till the date of settlement of the

terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39800/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Settlement Arrears Pension DA Arrears Encashment of leave salary (EL) Encashment of leave salary (ML) DA arrears pending in Service Leave salary for 2 years and Retirement Benefits Scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.10.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39801/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity arrears Pension Arrears DA Arrears and Encashment of leave salary (EL) & (ML-98) with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.01.2008 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39802/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Encashment of leave Salary (EL) and DA arrears with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 W.P.No.39803/16)

Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Provident Fund Commutation of Pension Encashment of leave Salary (EL) Encashment of leave salary (ML) DA arrears and Pension DA arrears Retirement Benefit Scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.07.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 W.P.No.39804/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Settlement Arrears DA Arrears Provident Fund Amount Pension Commutation and Social Security Scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39805/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Encashment leave salary(EL) DA Arrears pending in service leave salary Pension Commutation Social Security Scheme Special incentive for drivers (2 years) Settlement arrears Retirement benefits scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39806/16)

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement payable to the petitioner namely Gratuity Provident Fund amount DA arrears and Social security scheme with enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.03.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015 (W.P.No.39807/16)

For Petitioner : Mr.V.S.Jagadeesan,
in all the writ petitions

For Respondents : Mr.O.Selvan,
Govt. Advocate, for R1
Mr.S.Sairaman, for R2
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 Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

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/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sbi

सत्यमेव जयते
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To

1 The Principal Secretary
Government of Tamil Nadu
Transport Department
Secretariat Fort St. George
Chennai-600 009

2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No. 37 Mettupalayam Road
Coimbatore-641 043

3. The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
Thiruvallur House, Pallavan Salai
Chennai-2

4. The Managing Director
Tamilnadu state Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post
Villupuram 605 602

11 ccs to Government Pleader, Sr. 66156 to 66161, 66167 to 66171
1 cc to Mr.S. Sairaman, Advocate, Sr. 66252

11 ccs to M/s.V. Jagadeesan, Advocate, sr. 65564

W.P.Nos.39797 to
39807 of 2016

SM (CO)
kk 28/11

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