

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39947 to 39951 of 2016

- 1.M.Anbazhagan, DR 1187 ... Petitioner in W.P.No.39947 of 2016
- 2.S.Sampath DR 1520 ... Petitioner in W.P.No.39948 of 2016
- 3.P.Booraswamy CR 3101 ... Petitioner in W.P.No.39949 of 2016
- 4.S.Selvaraj SR 1047 ... Petitioner in W.P.No.39950 of 2016
- 5.J.Palani ... Petitioner in W.P.No.39951 of 2016

Vs

- 1 Tamilnadu State Transport Corporation (Villupuram) Ltd. Rep. by its Managing Director 3/137 Salamedu Villupuram.1st Respondent in all WPs
- 2 The General Manager Tamil Nadu State Transport Corporation (Villupuram) Ltd., Villupuram Division.2nd Respondent in W.P.No.39947, 39949/16
- 3 The Administrator Tamil Nadu State Transport Corporations Employees Pension Fund Trust Thiruvalluvar Illam Pallavan Salai Chennai-600 002. ... 3rd Respondent in W.Ps.No.39947 to 39950/16 and 2nd Respondent in W.P.No.39951/16
- 4 The General Manager, TamilNadu State Transport Corporation, (Villupuram) Ltd., Cuddalore Region, Cuddalore. ...2nd Respondent in W.P.No.39948/16 and 39950/16

Prayer in W.P.No.39947 of 2016:

Writ petitions has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondents to pay the petitioner a sum of Rs.3,77,034/-

towards Gratuity; a sum of Rs.4,589/- towards DA arrears for 13 months payable prior to his retirement and a sum of Rs.3,750/- towards arrears of monthly pension payable under the Post Retirement Benefit Scheme and also monthly pension every month from October 2016 with arrears and to pay all other terminal benefits and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay interest for the belated payment of service and terminal benefits already paid award costs.

Prayer in W.P.No.39948 of 2016:

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ in the nature of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,70,535/- towards Gratuity; a sum of Rs.7,748/- towards arrears of difference in D.A due to 6% increase for 13 months in 2015 and 2016 with corresponding revision in pension and D.A. with all consequential benefits; monthly pension payable under the Post Retirement Benefits Scheme from June 2016 with arrears and to pay him all other terminal benefits and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay interest for the belated payment of service and other terminal benefits which were already paid to the petitioner award costs.

Prayer in W.P.No.39949 of 2016:

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ in the nature of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,52,038/- towards gratuity; a sum of Rs.86,580/- towards earned Leave salary for 31 days and medical leave salary for 53.5 days which he has earned before the year 1998; a sum of Rs.1,43,745/- towards commutated value of pension; a sum of Rs.5,300/- towards wage revision arrears a sum of Rs.5,692/- towards D.A.arrears payable before his retirement; a sum of Rs.2 064/- towards arrears of D.A. payable along with monthly pension for 8 months; a sum of Rs.14,000/- towards Bonus for 10 months for the year 2015-2016 and a sum of Rs.8,400/- towards Bonus arrears for the year 2014-2015; monthly pension payable under the post retirement benefit scheme from June 2016 with arrears and to pay him all other terminal benefits and service benefits, together with interest at the rate of 12% per annum for all the above benefits for the belated period and to pay the petitioner interest for the belated payment of the service and terminal benefits which were already paid to him, award costs and thus render justice.

W.P.No.39950 of 2016:

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ in the nature of Mandamus directing the respondents to pay the petitioner a sum of Rs.4,76,123/- towards Gratuity; a sum of Rs.66,293/- towards earned leave salary for 72 days; a sum of Rs.5,395/- towards arrears of difference in D.A. payable along with monthly pension; a sum of Rs.4,000/- towards arrears of monthly pension payable under the Post Retirement Benefit Scheme and also monthly pension under the said scheme every month from October 2016 with arrears and to pay the petitioner all other service and terminal benefits together with interest at the rate of 12% per annum for all the above benefits and to pay him interest for the belated payment of service and terminal benefits which were already paid to him award costs.

W.P.No.39951 of 2016:

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ in the nature of Mandamus Directing the respondents to pay the petitioner a sum of Rs.5,51,144/- towards Gratuity; a sum of Rs.3,02,904/- towards earned leave salary 239.7 days; a sum of Rs.2,27,825/- towards commutated value of pension and a sum of Rs.1,960/- towards wage revision arrears a sum of Rs.2,856/- towards DA arrears a sum of Rs.15,400/- towards Bonus for 11 months for the year 2015-2016 and a sum of Rs.8,400/- towards bonus arrears for the year 2014-2015 and a sum of Rs.4000/- towards ERBS scheme and to pay the petitioner all other terminal benefits and service benefits together with interest at the rate of 12% per annum for all the above benefits award costs.

For Petitioner :Mr.R.Krishnaswamy
in all the writ petitions

For Respondents:Mr.P.Kannan Kumar
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

To

- 1 Managing Director
Tamilnadu State Transport
Corporation (Villupuram) Ltd.
3/137 Salamedu
Villupuram.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd. Villupuram Division.

3 The Administrator
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust Thiruvalluvar
Illam Pallavan Salai Chennai-600 002.

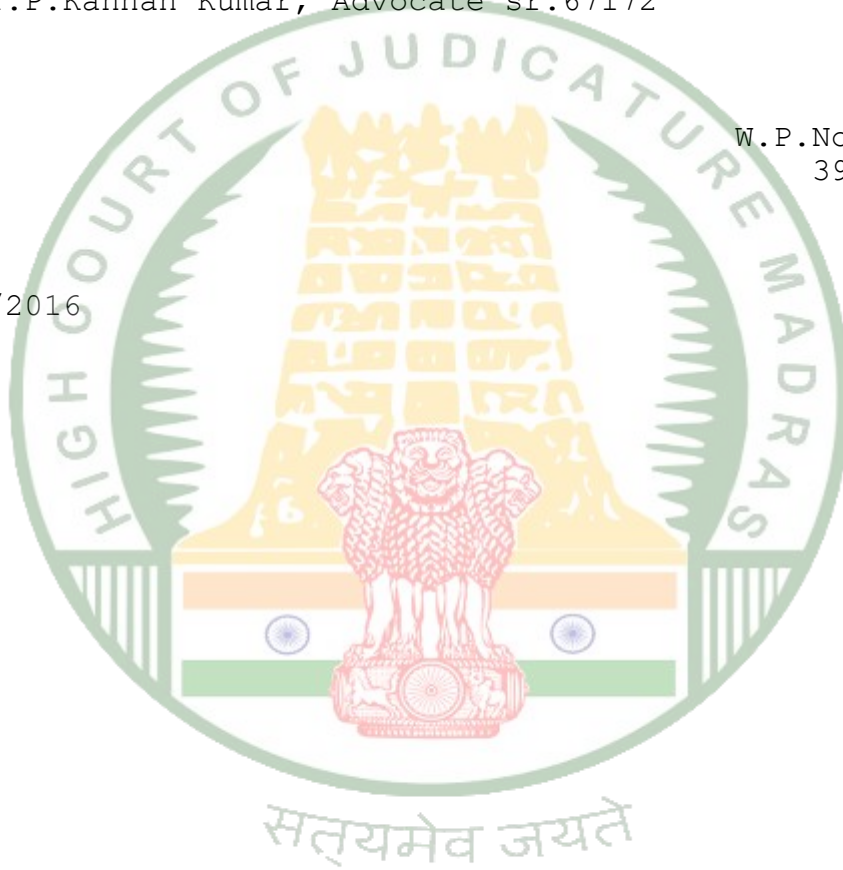
4 The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram)Ltd., Cuddalore Region,
Cuddalore.

+1 cc to Mr.V.Ajoy Khose, Advocate sR.65667

+2cc to Mr.P.Kannan Kumar, Advocate sr.67172

W.P.Nos.39947 to
39951 of 2016

skv[co]
srg 25/11/2016



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