

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40127 to 40132 of 2016

M.Karunakaran	...	Petitioner in W.P.No.40127 of 2016
C.Kannappan	...	Petitioner in W.P.No.40128 of 2016
K.Subramani	...	Petitioner in W.P.No.40129 of 2016
M.Raja	...	Petitioner in W.P.No.40130 of 2016
R.Matheswaran	...	Petitioner in W.P.No.40131 of 2016
D.Munusamy	...	Petitioner in W.P.No.40132 of 2016

Vs.

1. State of Tamil Nadu
represented by the
Additional Chief Secretary to Government,
(Chairman, Transport Corporations),
Transport Department,
Fort St.George,
Chennai - 600 009.
 2. The Management of
Tamil nadu State Transport Corporation (Salem) Ltd.,
rep. by the Managing Director,
12, Ramakrishna Road,
Salem 636 007.
 3. Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
rep. by its Administrator,
Thiruvalluvar House,
Anna Salai,
Chennai -600 002
- ...Respondents in all WPs

W.P.No.40127 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to settle and disburse the amount payable to the petitioner towards benefits of Gratuity 2013 Agreement Arrears Earned Leave Salary and Leave Surrender etc. pursuant to the Settlement of February

2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

W.P.No.40128 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards benefits of Gratuity Earned Leave Salary and Leave Surrender etc. pursuant to the Settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

W.P.No.40129 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards of Leave and incentive and Commutation Encashment of Leave Salary Salary payable in the lieu of Surrender Leave pursuant to the Settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

W.P.No.40130 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards benefits of Gratuity Earned Surrender etc pursuant to the Settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

W.P.No.40131 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards benefits of Gratuity V.R.S arrears for the month of May 2013 to October 2013 D.A Arrears I.R.T Deposit amount Earned Leave Surrender for the year of 2009 and VRS amount for the period of May 2013 to May 2014 pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

W.P.No.40132 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards benefits of Gratuity 2013 Earned Leave Salary and Leave Surrender Leave Salary for the Period of September 2013 to January 2014 etc. pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Court.

For Petitioner in all W.Ps: Mr.K.H.Arikrishnan

For Respondents in all W.Ps: Mr.D.Suriya Narayanan,
Gov. Advocate, for R1

Mr.R.K.Gandhi,
for R2 & R3

C O M M O N O R D E R

By consent, these 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, with interest, within the time that may be 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 representation to the respondents 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 takes 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 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 01.02.2017.

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

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
(Chairman, Transport Corporations),
The State of Tamil Nadu Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
The Management of Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road, Salem 636 007.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Anna Salai, Chennai - 600 002

+6cc to M/S.R.K.Gandhi, Advocate sr.67185

W.P.Nos.40127 to 40132 of 2016

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srg 03/01/2017