

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40133 to 40137 of 2016

V.Rajendran	...Petitioner in W.P.No.40133/2016
K.K.Palanisamy	...Petitioner in W.P.No.40134/2016
V.Sakthivel	...Petitioner in W.P.No.40135/2016
R.Ramadayalan	...Petitioner in W.P.No.40136/2016
V.Mani	...Petitioner in W.P.No.40137/2016

Vs.

1. The Government of Tamil Nadu
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) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... Respondents in W.Ps.40133, 40137
& 40134 of 2016

1. The Government of Tamil Nadu
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) 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.

...Respondents in W.P.40135/2016

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram- 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

... Respondents in W.P.40136/2016

Prayer in W.P.No.40133 of 2016 : Petition 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, E.L. Surrender, M.L. Credit, ERBS pension arrears, Pension DA arrears, Earned Leave during service and interest for belated settlement of commutation, gratuity, provident fund and labour welfare fund and in other benefits 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., 30.06.2012 to till date of actual payment to the petitioner.

Prayer in W.P.No.40134 of 2016 : Petition 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, provident fund, labour welfare fund, ML credit, ERBS pension arrears, pension DA arrears, I.R.T Medical College fund, E.L. Surrender, earned leave and interest for belated settlement of commutation and gratuity, provident fund and labour welfare fund and in other benefits 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., 31.05.2016 to till date of actual payment to the petitioner.

Prayer in W.P.No.40135 of 2016 : Petition 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. 30.04.2014 to till date of actual payment to the petitioner.

Prayer in W.P.No.40136 of 2016 : Petition 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 and pension 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. 31.05.2013 to till date of actual payment to the petitioner.

Prayer in W.P.No.40137 of 2016 : Petition 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, labour welfare fund, earned leave balance, E.L. Surrender, ML credit, ERBS pension arrears, Pension DA arrears, I.R.T Medical College fund, interest for provident fund for financial year during the retirement period and interest for belated settlement of commutation and gratuity, provident fund and labour welfare fund and in other benefits 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., 31.05.2013 to till date of actual payment to the petitioner.

For Petitioner in all W.Ps : Mr. M.Selvam

For Respondents in all W.Ps : Mr.S.N.Parthasarathi,
Government Advocate, for R1

: Mr. R.K.Gandhi,
for R2 to R4

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 is 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 petitioner 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

mrp

To

1. The Secretary
to Government of Tamil Nadu,
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,
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(Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri - 636 705.
6. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.

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

+5cc's to Mr.M.Selvam, Advocate, S.R.No.66230
+5cc's to Mr.R.K.Gandhi, Advocate, S.R.No.67184
+1cc to the Government Pleader, S.R.No.66656

W.P.Nos.40133 to 40137 of 2016

NRJK (CO)
CA(22/11/2016)



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