

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40138 to 40150 of 2016

S.Anbalagan ... Petitioner in W.P.No.40138 of 2016
P.Arumugam ... Petitioner in W.P.No.40139 of 2016
D.Gembiram ... Petitioner in W.P.No.40140 of 2016
G.Krishnamoorthy ... Petitioner in W.P.No.40141 of 2016
S.M.Balu ... Petitioner in W.P.No.40142 of 2016
G.Balakrishnan ... Petitioner in W.P.No.40143 of 2016
M.Vajjiravelu ... Petitioner in W.P.No.40144 of 2016
K.Damodaran ... Petitioner in W.P.No.40145 of 2016
Y.C.Mohan ... Petitioner in W.P.No.40146 of 2016
R.Samson ... Petitioner in W.P.No.40147 of 2016
N.Govindaraju ... Petitioner in W.P.No.40148 of 2016
N.Srinivasan ... Petitioner in W.P.No.40149 of 2016
P.A.Venu ... Petitioner in W.P.No.40150 of 2016

Vs.

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,
Kanchepuram region, सत्यमेव जयते
Kanchepuram. ... Respondents in W.P.Nos.40138,
40141, 40144, 40146, 40149/2016

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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,
Kancheipuram region,
Kancheipuram.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House, Pallavan Salai,
Chennai-600 002.

...Respondents in W.P.Nos.40139,
40140, 40142, 40143, 40145,
40147, 40148 & 40150/2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to gratuity, commutation, leave surrender (earned leave and old medical leave), settlements arrears, D.A arrears and all other benefits by calculating D.A. Eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.05.2014 within the stipulated time in W.P.No.40138/2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Pension Commutation and Leave Surrender (Earned Leave & Old Medical Leave) IRT Share Amount Labour Welfare Fund Amount Settlement Arrears and D.A. Arrears by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.10.2015 within the stipulated time in W.P.No.40139 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) Deposit Amount at the time of Appointment D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2014 within the stipulated time in W.P.No.40140 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.08.2013 within the stipulated time in W.P.No.40141 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Pension D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2014 within the stipulated time in W.P.No.40142 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation IRT Sharer Amount Settlement Arrears D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.12.2013 within the stipulated time in W.P.No.40143 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Settlements Arrears D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2015 within the stipulated time in W.P.No.40144 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlements Arrears D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2015 within the stipulated time in W.P.No.40145 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.08.2013 within the stipulated time in W.P.No.40146 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Earned Leave & Old Medical Leave) Settlement Effect D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.05.2015 within the stipulated time in W.P.No.40147 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlements Arrears D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.12.2013 within the stipulated time in W.P.No.40148 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlements Arrears IRT Amount D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.08.2015 within the stipulated time in W.P.No.40149 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Earned Leave & Old Medical Leave) Settlement Effect & Arrears IRT Amount D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of

dearness allowances also with interest at 12% per annum with effect from 01.04.2016 within the stipulated time in W.P.No.40150 of 2016.

For Petitioner in all W.Ps : Mr.G.Sakthivel

For Respondents in all W.Ps : Mr.P.Kannan Kumar

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, 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 01.01.2017.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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,
Kancheipuram region,
Kancheipuram.
- 3.The Administrator,
TamilNadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+13cc to Mr.G.Sakthivel, Advocate Sr.66913
+2cc to Mr.P.Kannankumar, Advocate Sr.67176

W.P.Nos.40138 to 40150 of 2016

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srg 05/12/2016

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