

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40223 to 40226 of 2016

B.Nedunchezhiyan ...Petitioner in W.P.No.40223/2016
P.Selvaraj ...Petitioner in W.P.No.40224/2016
N.Vaithianathan ...Petitioner in W.P.No.40225/2016
D.Natarajan ...Petitioner in W.P.No.40226/2016

Vs.

1. Tamilnadu State Transport Corporation (Salem) Limited, rep. by its Managing Director, 3/137 Salamedu, Vazhuthareddy, Villupuram.
2. The General Manager, Tamilnadu State Transport Corporation (Villupuram) Limited, 3/137 Salamedu, Vazhuthareddy, Villupuram.
3. The Administrator, Tamil Nadu State Transport Corporations Employees, Pension Fund Trust, Thiruvalluvar Illam, Pallavan Salai, Chennai - 600 002. ... Respondents in all W.Ps

Prayer in W.P.No.40223 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.2,54,135/- towards gratuity; a sum of Rs.3248/- towards difference in D.A. payable along with monthly pension for 14 months in 2015 and 2016 with corresponding increase in D.A. in future with arrears; a sum of Rs.2,305/- towards difference earned leave salary already paid; a sum of Rs.11,534/- towards pension arrears for 2 months; a sum of Rs.5000/- payable under the Post Retirement Benefit Scheme from June, 2016 to October 2016 and monthly pension from November 2016 under the said scheme with arrears, together with interest at the rate of 12% per annum for all the above benefits and also to pay him interest for the belated payment of service/terminal benefits

including commuted value of pension which were already paid to the petitioner.

Prayer in W.P.No.40224 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.4,67,127/- towards gratuity; a sum of Rs.1,32,378/- towards earned leave salary for 240 days; a sum of Rs.5754/- towards difference in pension due to 6% increase in D.A. for 14 months in 2015 and 2016, with corresponding increase in D.A. for future period; a sum of Rs.6,080/- towards arrears of wage increase payable to the petitioner as per the settlement dated 13.04.2015 and a sum of Rs.5000/- payable under the Post Retirement Benefit Scheme from June, 2016 to October 2016 and also monthly pension under the said scheme from November 2016 every month with arrears and to revise his service and terminal benefits including the monthly pension as per the salary payable to him as per the settlement dated 13.04.2015 as on the date of petitioner's retirement, with difference amount and arrears of monthly pension, 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/terminal benefits including commuted value of pension which were already paid to the petitioner.

Prayer in W.P.No.40225 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,86,328/- towards gratuity; a sum of Rs.1,42,209/- towards earned leave salary for 134 days; a sum of Rs.4200/- towards difference in pension due to increase in D.A. with corresponding increase in future with arrears; a sum of Rs.9,085/- towards one month pension arrears; a sum of Rs.8,400/- towards bonus arrears for the year 2014-15; a sum of Rs.5000/- payable under the Post Retirement Benefit Scheme from June, 2016 to October 2016 and monthly pension under the said scheme from November 2016 with arrears; a sum of Rs.25,400/- towards arrears of wage revision, with corresponding revised service/terminal benefits based on the salary payable to him as per the settlement dated 13.04.2015 as on the date of his retirement, with difference amount and arrears of pension, together with interest at the rate of 12% per annum for all the above benefits and to pay the petitioner interest the belated payment of service terminal benefits including commuted value of pension, which were already paid to him.

Prayer in W.P.No.40226 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.5,75,538/- towards gratuity; a sum of Rs.45,838/- towards earned leave salary for 39 days; a sum of Rs.6328/- towards difference in monthly pension due to 6% increase in D.A. for 14

months in 2015 and 2016 with corresponding increase for the future period with arrears; a sum of Rs.40,469/- towards pension arrears for three months; and a sum of Rs.5,000/- payable under the Post Retirement Benefit Scheme from June, 2016 to October 2016 and also monthly pension under the said scheme every month from November 2016 with arrears; together with interest at the rate of 12% per annum for all the above benefits and to pay the petitioner interest for the belated payment of service terminal benefits including commuted value of pension, which were already paid to him.

For Petitioner in all W.Ps : Mr.R.Krishnaswamy

For Respondents in all W.Ps : Mr.S.Sairaman

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 III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Limited,
3/137 Salamedu, Vazhuthareddy,
Villupuram.
2. The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Limited,
3/137 Salamedu, Vazhuthareddy,
Villupuram.
3. The Administrator,
Tamil Nadu State Transport Corporation's Employees,
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.66061

+1cc to Mr.S.Sairaman, Advocate, S.R.No.66618

W.P.Nos.40223 to 40226 of 2016

AK(CO)
CA(02/12/2016)