

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.11.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40484 to 40492 of 2016

M.Jabamalai	..Petitioner in W.P.No.40484 of 2016
S.Chakrapani	..Petitioner in W.P.No.40485 of 2016
Pazhamalai S	..Petitioner in W.P.No.40486 of 2016
R.Narayanasamy	..Petitioner in W.P.No.40487 of 2016
Ganapathy.V	..Petitioner in W.P.No.40488 of 2016
K.Loganathan	..Petitioner in W.P.No.40489 of 2016
Thiruvagasam.P	..Petitioner in W.P.No.40490 of 2016
Mohan R	..Petitioner in W.P.No.40491 of 2016
Mohamed Ghouse.S	..Petitioner in W.P.No.40492 of 2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602. ...1st Respondent in All WPs
2. The General manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.2nd Respondent in WP.No.40484 to
40489 & 40492
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House Pallavan Salai,
Chennai - 600 002. ...3rdRespondent in WP.40484 to
40488/16,
4. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Ltd, Cuddalore Region
Cuddalore-607 001 ...2nd Respondent in WP.NO.40490 &
40491/2016

Prayer in WP.No.40484 of 2016 : 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, pension arrear, leave surrender (earned leave & Old medical leave), settlement effect arrears amount, DA arrears and others by calculating D.A. Eligible as per the fixation made by the Government of Tamil nadu Periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.04.2014 within the stipulated time.

WP.No.40485 of 2016:Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Settlement Effect Arrear Amount Leave Surrender (Earned Leave & Old Medical Leave) Pension arrears DA arrears and others 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 22.10.2015 within the stipulated time as may be fixed by this Honourable Court

WP.No.40486 of 2016:Directing the respondents to disburse the payments relating to Gratuity Pension arrears Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and others 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 as may be fixed by this Honourable Court

WP.No.40487 of 2016:
Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and others 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 01.07.2016 within the stipulated time as may be fixed by this Honourable Court

WP.NO.40488 of 2016:
Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Pension arrears DA arrears and others 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 as may be fixed by this Honourable Court

WP.No.40489 of 2016:Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and others 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 01.07.2016 within the stipulated time as may be fixed by this Honourable Court

WP.NO.40490 of 2016:Directing the respondents to disburse the payments relating to Gratuity DA arrears and others 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 01.09.2012 within the stipulated time as may be fixed by this Honourable Court

WP.No.40491 of 2016:
Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and others 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 01.05.2016 within the stipulated time as may be fixed by this Honourable Court

WP.NO.40492 of 2016:Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and others 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 01.07.2016 within the stipulated time as may be fixed by this Honourable Court

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

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

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COMMON ORDER

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 01.02.2017.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

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,
Vazhuthareddy,
Villupuram - 605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House Pallavan Salai,
Chennai - 600 002.
4. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Ltd, Cuddalore Region
Cuddalore-607 001

+9 ccs to M/s.G.Sakthivel Advocate sr 66914
+2 ccs to M/s.P.Kannan Kumar Advocate sr 67891

W.P.Nos.40484 to 40492 of 2016

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