

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40536 & 40537 of 2016

S.Sugumaran ... Petitioner in W.P.No.40536/2016

T.Mannar ... Petitioner in W.P.No.40537/2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Dharmapuri - 636 705.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Anna Salai,
Chennai 600 002.

... Respondents in W.P.40536/2016

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

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

... Respondents in W.P.40537/2016

Prayer in W.P.40536 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, leave encashment (earned and medical Leave), Leave surrender amount while in service, IRT amount, ERBS amount, D.A. Arrears and all other attendant 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.

Prayer in W.P.40537 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, leave encashment (Earned & Medical Leave), social welfare fund, IRT amount, 12(3) settlement arrear, D.A. Arrears, last 10 days salary, CRBS amount and all other attendant benefits by calculating D.A. Eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.06.2014.

For Petitioner in both W.Ps : Mr.J.Pradeep

For Respondents in both W.Ps : Mr. R.K.Gandhi

C O M M O N O R D E R

By consent, both the 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 II)

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सत्यमेव जयते
Sub Assistant Registrar

mrp

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
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2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region, Dharmapuri - 636 705.

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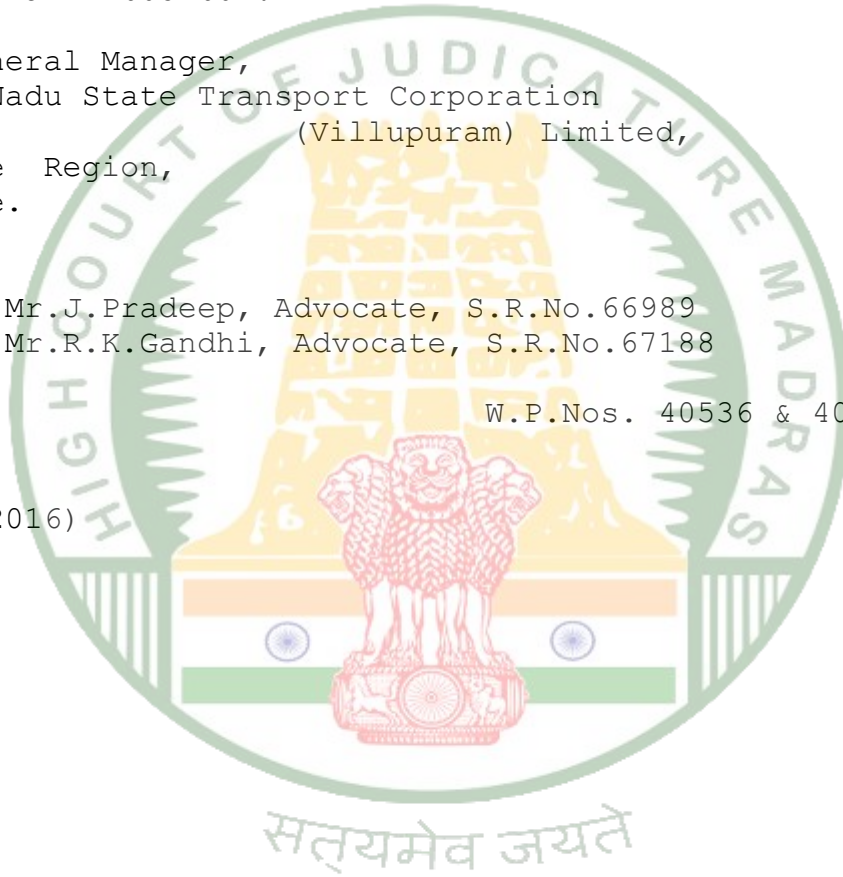
4. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602.

5. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region,
Vellore.

+2cc's to Mr.J.Pradeep, Advocate, S.R.No.66989
+2cc's to Mr.R.K.Gandhi, Advocate, S.R.No.67188

W.P.Nos. 40536 & 40537 of 2016

MV(CO)
CA(25/11/2016)



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