IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40644 to 40651 of 2016

G.Gurubalan ... Petitioner in WP.40644/16
C.Vanaja ... Petitioner in WP.40645/16
M.Gracelin ... Petitioner in WP.40646/16
R.Murugaiyan ... Petitioner in WP.40647/16
V.Sankarasubramanian ... Petitioner in WP.40648/16
R.Ramalingam ... Petitioner in WP.40649/16
V.Baskaran ... Petitioner in WP.40650/16
R.Subramanian ... Petitioner in WP.40651/16

vs.

1 Tamilnadu State Transport Corporation (Villupuram) Ltd. Rep. by its Managing Director 3/137 Salamedu Villupuram-605 602.

2 The General Manager Tamilnadu State Transport Corporation (Villupuram) Ltd. Villupuram Region 3/137 Salamedu Villupuram.

3 The Administrator Tamil Nadu State Transport Corporation Employees Post Retirement Welfare Fund Scheme Thiruvalluvar House Pallavan Salai Chennai-600 002. ... Respondent in WP.40644, 40648/16

1 Tamilnadu State Transport Corporation (Villupuram) Ltd. Rep. by its Managing Director 3/137 Salamedu Villupuram-605 602.

2 The General Manager Tamilnadu State Transport Corporation (Villupuram) Ltd. Cuddalore Region, Cuddalore.

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3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002. ... Respondent in WP.40645, 40646, 40647, 40649, 40650, 40651/16

WP.No.40644/2016: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.4,56,505/- towards gratuity; a sum of Rs.4 420/- towards earned leave salary for 5 days and a sum of Rs.4 992/- towards 6% difference in D.A for 12 months payable along with the monthly pension and to revise his monthly pension based on D.A. payable as on the date of the petitioner's retirement and on par with the rate of D.A. applicable to the serving employees, pay the petitioners the revised pension with revised D.A. with arrears and consequential benefits and to pay the petitioner the monthly pension payable under the post retirement benefit scheme from June 2016 with arrears and other service and terminal benefits together with interest at the rate of 12% p.a for all the above benefits and to pay him interest for the belated payments of terminal benefits which were already paid to the petitioner, award costs.

WP.No.40645/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.3 41 258/- towards gratuity; a sum of Rs.4 872/- towards arrears of difference in dearness allowance payable along with monthly pension due to 6% increase in D.A for 12 months; a sum of Rs.2 13 686/- towards earned leave salary for 242 days a sum of Rs.28 656/- towards arrears of difference in pension for 36 months; a sum of Rs.1 51 080/- towards commutated value of pension a sum of Rs.83 885/- towards medical earned for 95 days before the year 1998 and to revise the pension based on the salary payable to the petitioners as per the settlement dated 13.4.2015 as on the date of his retirement with corresponding D.A. and with the increase in D.A. as revised from time to time with arrears and pay the petitioner the monthly pension payable under the post retirement benefits scheme from June 2016 with arrears and other service and terminal benefits, together with interest at the rate of 12% p.a. for all the above benefits and also interest for the belated payments of terminal benefits, which were already paid to the petitioner.

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WP.No.40646/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.4 57 218/- towards gratuity; a sum of Rs.2 42 277/- towards earned leave salary for 234 and earned leave salary for 15 days which she has surrendered prior to her retirement; a sum of Rs.78 813/- towards medical leave salary for 81 days which stood to her credit prior to August 1998; a sum of Rs.4 428/- towards wage revision arrears for 3 months; a sum of Rs.2 24 510/- towards commuted value of pension and to revise her monthly pension based on basic pay Grade pay and D.A payable to her as per the settlement dated 13.04.2015 as on the date of her retirement and pay her the revised pension with revised D.A with arrears and consequential benefits and to pay the petitioner the monthly pension payable under the post retirement benefits scheme from June 2016 with arrears and other service and terminal benefits, together with interest at the rate of 12% p.a. for all the above benefits and to pay the petitioner interest for the belated payments of terminal benefits which were already paid to the petitioner, award costs.

WP.No.40647/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.5 68 108/- towards gratuity; a sum of Rs.5 772/- towards arrears of difference in dearness allowance which is payable along with monthly pension for 13 months; a sum of Rs.1 87 082/- towards earned leave salary for 166 days; a sum of Rs.31 426/- towards wage revision difference for 38 months; a sum of Rs.12 281/- towards pension arrears for 1 month and a sum of Rs.14 091/- towards difference in pension and to revise his monthly pension based on salary payable to him as per the settlement dated 13.04.2015 with corresponding D.A and increase in the rate of D.A as revised from time to time with arrears and to pay the petitioner the monthly pension the monthly pension payable under the post retirement benefits scheme from June 2016 with arrears and all other service and terminal benefits, together with interest at the rate of 12% p.a. for all the above benefits and also the interest for the belated payments of terminal benefits which were already paid to the petitioner, award costs.

WP.No.40648/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.4 85 740/- towards gratuity; a sum of Rs.4 459/- towards arrears of difference in dearness allowance payable along with the monthly pension for 12 months; a sum of Rs.38 433/- towards earned leave salary for 40 days and a sum of Rs.2 07 333/- towards commutated value of pension and to revise the monthly pension based on the increase in dearness allowance with the same rate as applicable to the

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serving employees and as revised from time to time and all other service and terminal benefits 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 for terminal benefits which were already paid to the petitioner, award costs.

WP.No.40649/2016: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.9,10,606/- towards gratuity; a sum of Rs.5409/- towards arrears of difference in dearness allowance payable along with the monthly pension for 9 months; a sum of Rs.3 58 618/- towards earned leave salary for 238 days and a sum of Rs.3 35 208/- towards commutated value of pension and to pay the petitioner's monthly pension payable under the Post Retirement Benefit Scheme for June 2016 with arrears and to pay the petitioner revised pension based on the increase in dearness allowance with the same rate as applicable to the serving employees and as revised from time to time and to pay all other service and terminal benefits together with interest at the rate of 12% p.a. for all the above benefits and to pay the petitioner interest for the belated payment of terminal benefits which were paid to the petitioner, award costs.

WP.No.40650/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.5 98 158/- towards gratuity; a sum of Rs.3 687/- towards earned leave salary for 3 days and a sum of Rs.3 199/- towards 6% difference in D.A. for 7 months payable along with the monthly pension and to revise the monthly pension based in D.A payable to the petitioner as on the date of the retirement and on par with the rate of D.A applicable to the serving employees pay the petitioner the revised pension with revised D.A with arrears and consequential benefits and to pay the monthly pension payable under the post retirement benefit scheme from June 2016 with arrears and other service and terminal benefits together with interest at the rate of 12% p.a. for all the above benefits and to pay the petitioner interest for the belated payments of terminal benefits which were already paid to the petitioner, award costs.

WP.No.40651/16: Writ Petition filed u/a.226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.6 14 354/- towards gratuity; a sum of Rs.1 828/- towards arrears of difference in dearness allowance payable along with the monthly pension for 4 months; a sum of Rs.8 829/- towards earned leave salary for 7 days and to pay the petitioner a sum of Rs.3 656/- towards pension arrears for 4 months and to revise the monthly pension based on the salary payable to the petitioner as per the settlement with corresponding dearness allowance and increase in

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the rate of D.A. with arrears and to pay the monthly pension payable under Post Retirement Benefit Scheme from June 2016 with arrears and other service and terminal benefits together with interest at the rate of 12% p.a for all the above benefits and to pay the petitioner interest for the belated payment of terminal benefits which they have paid to the petitioner already, award costs.

For Petitioner : Mr.R.Krishnaswamy
in all the writ petitions

For Respondents : Mr.S.Sairaman
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions have been filed.

3. I have heard the learned counsel appearing for the petitioners and the learned counsel, who has taken notice on behalf of the respondents.

4. 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).

5. Following the said judgment, without going into the merits of the matter, the respondents are directed to disburse the aforementioned retiral benefits to the petitioners 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 1.2.2017.

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6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1 The Managing Director
Tamilnadu State Transport
Corporation (Villupuram) Ltd.
3/137 Salamedu
Villupuram-605 602.

2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd. Villupuram Region 3/137
Salamedu Villupuram.

3 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd. Cuddalore Region,
Cuddalore.

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

+1 cc to M/s.N.Ajoykhose, advocate,sr.67259.

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