

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40783 to 40787 of 2016

S.Sundaresan ..Petitioner in W.P.No.40783/2016
A. Arumugam ..Petitioner in W.P.No.40784/2016
E. Panneer Selvam ..Petitioner in W.P.No.40785/2016
M. Sivalingam ..Petitioner in W.P.No.40786/2016
R. Vijayasundaram ..Petitioner in W.P.No.40787/2016

vs.

- 1 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Vazhuthareddy
Villupuram 605 602 ..1st Respondent in all WPs
- 2 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Kancheepuram Region
Kancheepuram ..2nd Respondent in
WPs.Nos.40783, 40784 & 40785/16
- 3 The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram. ..2nd respondent in WP.40786/16
- 4 The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region, Cuddalore. ..2nd respondent in
WP.NO.40787/16
- 5 The Administrator
Tamil Nadu State Transport
Corporation
Employees Post Retirement
Welfare Fund Scheme
Thiruvalluvar House,
Pallavan Salai
Chennai-600 002. ... 3rd Respondent in all WPs.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, ML Surrender, RBS Arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.4.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court (in W.P.No.40783 of 2016)

W.P.No.40784 of 2016: Writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender ML Surrender RBS Arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.09.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court (in WP.40784/16)

W.P.No.40785 of 2016: Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation RBS Arrears and IRT amount with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.07.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court (WP.No.40785/16)

W.P.No.40786 of 2016: Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation RBS Arrears and pension arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court (in WP.40786/16)

W.P.No.40787 of 2016: Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation RBS Arrears and pension arrears with interest at

the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court(in WP.40787/16)

For Petitioner
in all W.Ps. : Mr.M.Selvam

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

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.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

- 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) Ltd.
Kancheepuram Region
Kancheepuram
- 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.,
Villupuram.
- 5 The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region, Cuddalore.

+ 5 ccs to M/s. M. Selvam, Advocate sR.67429

SM(CO)
EU 30.11.16

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