

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40882 to 40886 of 2016

Mr.N.Rathinakumar ... Petitioner in W.P.No.40882 of 2016
Mr.P.Natarajan ... Petitioner in W.P.No.40883 of 2016
Mr.V.Samudi ... Petitioner in W.P.No.40884 of 2016
Mr.E.G.Rajendran ... Petitioner in W.P.No.40885 of 2016
Mr.P.Ramaraj ... Petitioner in W.P.No.40886 of 2016

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
... 1st Respondent in all the W.Ps.
2. The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.
Head office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
... 2nd Respondent in W.Ps.40882,
40883, 40885 and 40886 of 2016
2. The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post
Villupuram - 605 602.
... 2nd Respondent in W.P.40884 of 2016

Prayer in W.P.No.40882 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement dues such as Encashment of unearned leave on private affairs order in Government letter No.37568/ BPE/2006 dated 28.01.2008 and to pay the Difference in Encashment of earned leave with interest of 18% on delayed payment from 30.04.2008 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.40883 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement dues such as Encashment of unearned leave on private affairs order in Government letter No.37568/ BPE/2006 dated 28.01.2008 and to pay the Difference in Encashment of earned leave with interest of 18% on delayed payment from 31.10.2008 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.40884 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.12.2012 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.40885 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits such as Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98), Difference in Gratuity and Encashment of unearned leave on private affairs for 90 days and other eligible terminal benefits after having duly taking into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 30.06.2011 the date of retirement to till the date of settlement of the terminal benefits tot he Petitioner by following the order passed W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.40886 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement dues such as Difference in Encashment of Leave Salary and the Encashment of unearned leave on private affairs after taking into account the Pay Commission with interest of 18% on delayed payment from 31.12.2007 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioners : Mr.V.S.Jagadeesan

For Respondents : Mr.O.Selvam for R1
Government Advocate
Mr.P.Kannan Kumar for R2

C O M M O N O R D E R

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 respondent to settle the retirement benefits, due to the petitioners, together with interest, by following the order passed W.A.(MD). Nos.383 to 457 of 2015 dated 12.06.2015.

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 respondent 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, learned Government Advocate who takes notice for the first respondent and the learned counsel who takes notice for the second respondent.

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 respondent is 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

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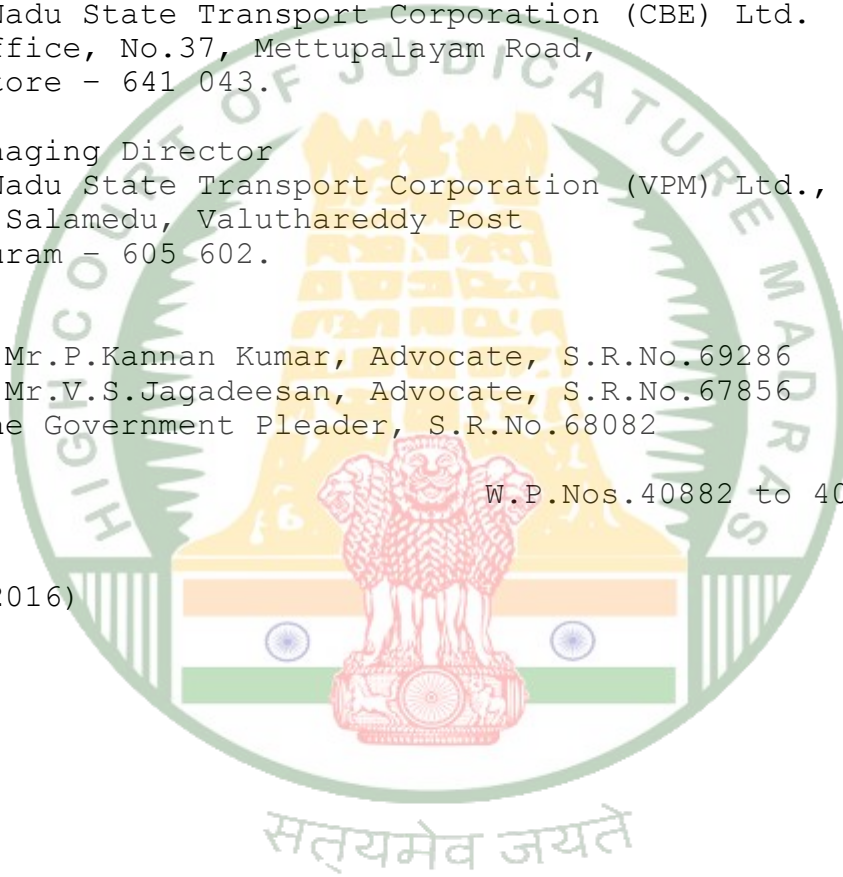
To

1. The Principal Secretary
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.
Head office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post
Villupuram - 605 602.

+2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.69286
+5cc's to Mr.V.S.Jagadeesan, Advocate, S.R.No.67856
+1cc to the Government Pleader, S.R.No.68082

W.P.Nos.40882 to 40886 of 2016

AK(CO)
CA(16/12/2016)



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