

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41195 to 41202 of 2016

M.Chinnathambi	... Petitioner in WP.41195 of 2016
R.Murugesan	... Petitioner in WP.41196 of 2016
N.Kandan	... Petitioner in WP.41197 of 2016
M.Rajan	... Petitioner in WP.41198 of 2016
M.Maniraju	... Petitioner in WP.41199 of 2016
R.Chandra	... Petitioner in WP.41200 of 2016
J.Eliyammal	... Petitioner in WP.41201 of 2016
M.Murugesan	... Petitioner in WP.41202 of 2016

Vs.

1.THE GOVERNMENT OF TAMIL NADU
REP. BY THE SECRETARY, TRANSPORT DEPARTMENT
SECRETARIAT ST. GEORGE FORT
CHENNAI-600 009.

2.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNAN ROAD
SALEM-636 007.

3.THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. DHARMAPURI REGION
BHARATHIPURAM DHARMAPURI-636 705.

4.THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002.

... RESPONDENTS in WP.41195 to 41199
& 41202 of 2016

1.THE GOVERNMENT OF TAMIL NADU
REP. BY THE SECRETARY,
TRANSPORT DEPARTMENT,
SECRETARIAT, ST. GEORGE FORT,
CHENNAI-600 009.

2.THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNAN ROAD
SALEM-636 007.

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TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002.

.... RESPONDENTS in WP.41200 & 41201 of 2016

W.P.No.41195 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Leave Surrender (EL & ML), IRT amount, ERBS pension arrears, DA 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. 28.02.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41196 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, El Leave Surrender, ML Credit, EL Surrender, ERBS Pension arrears, Pension DA Arrears and interest for belated settlement of Provident Fund, Commutation and Labour Welfare Fund and in the other benefits 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. 30.06.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41197 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (EL & ML), IRT amount, ERBS pension

arrears DA arrears, Pension arrears, Settlement arrears and Provident Fund 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. 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

W.P.No.41198 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Surrender Leave (EL & ML), ERBS pension arrears, DA arrears, Settlement arrears and welfare fund 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. 31.01.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41199 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (EL & ML), IRT amount, ERBS pension arrears, DA arrears, Pension arrears and Settlement 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. 31.07.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41200 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondent to settle the petitioners retirement benefits including Earned Leave Salary, EL Leave Surrender, ML Credit, ERBS Pension arrears, Pension DA Arrears and Interest for benefits to Provident Fund and Commutation and in other benefits 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. 30.04.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41201 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the

petitioner's retirement benefits including Earned Leave Salary, EL Leave Surrender, ML Credit, ERBS Pension arrears, Pension DA Arrears and interest for benefits to Provident Fund and Commutation and in other benefits 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. 30.04.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.41202 of 2016 has been filed under Article 226 of the Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Earned Leave Salary, EL Leave Surrender, ML Credit, ERBS Pension arrears, Pension DA Arrears and interest for benefits to Provident Fund and Commutation and in other benefits 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. 30.04.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.R.Venkatesan
in all the Writ Petitions

For Respondents : Mr.R.K.Gandhi for R2 to R4
in all the Writ Petitions

Mr.O.Selvam,
Government Advocate for R1

COMMON ORDER

By consent, the 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 Government Advocate, who has taken notice on behalf of the 1st respondent and the learned counsel, who has taken notice on behalf of the respondents 2 to 4.

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 01.02.2017.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu
Transport Department,
Secretariat, St. George Fort,
Chennai-9.

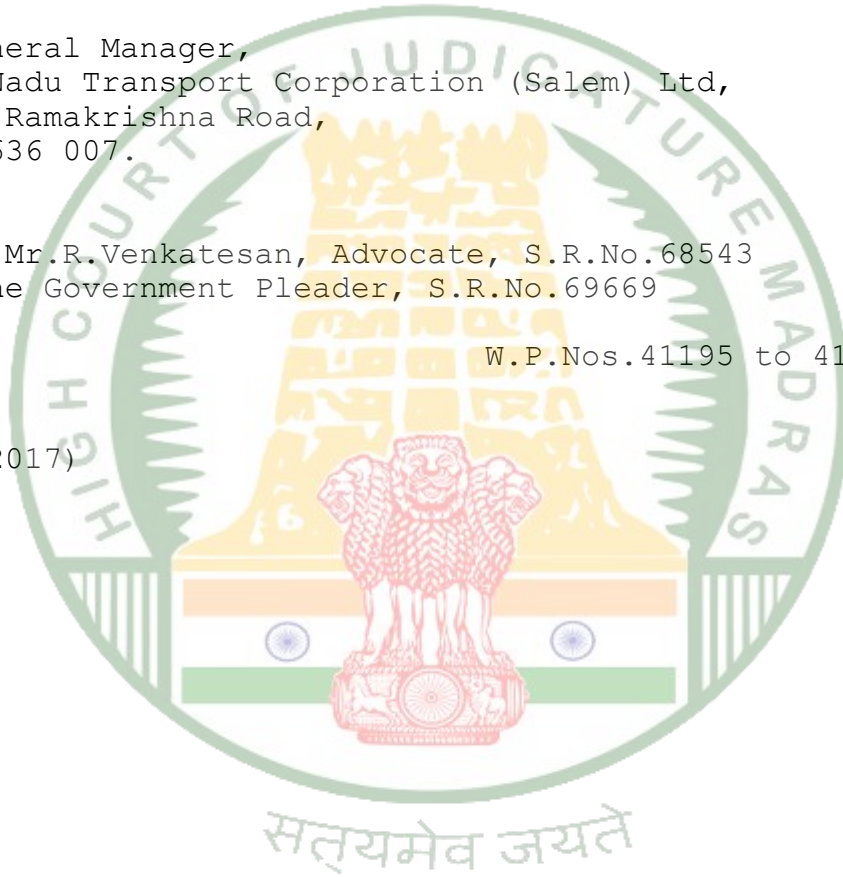
2. The Managing Director,
Tamil Nadu Transport Corporation (Salem) Ltd,
12, Ramakrishna Salai,
Salem 636 007.

3. The General Manager,
Tamil Nadu Transport Corporation (Salem) Ltd,
Dharmapuri Region, Bharthipuram,
Dharmapuri-5.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.
5. The General Manager,
Tamil Nadu Transport Corporation (Salem) Ltd,
No.12, Ramakrishna Road,
Salem 636 007.

+8cc's to Mr.R.Venkatesan, Advocate, S.R.No.68543
+1cc to the Government Pleader, S.R.No.69669

W.P.Nos.41195 to 41202 of 2016

SS(CO)
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