

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41292 to 41295/2016

C.Venkatesan ... Petitioner in W.P.No.41292/2016  
P.Venkatesan ... Petitioner in W.P.No.41293/2016  
P.Varadarajulu ... Petitioner in W.P.No.41294/2016  
S.Ragunathan ... Petitioner in W.P.No.41295/2016

vs.

- 1.The Managing Director,  
Tamil Nadu State Transport  
Corporation  
(Villupuram) Ltd., Salamedu,  
Villupuram-605 602.
- 2.The General Manager,  
Tamil Nadu State Transport Corporation  
(Villupuram) Ltd.,  
Vellore Region, Rangapuram,  
Vellore-632 109
- 3.The Administrator,  
Tamil Nadu State Transport  
Corporation,  
Employees Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai, Chennai-2. ... Respondents in all W.Ps.

Writ Petition No 41292 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner a sum of Rs.6,77,522/- towards Gratuity, a sum of Rs.3,13,611/- towards Commuted Value of Pension, a sum of Rs.13,472/- towards Wage Revision Arrears payable to him as per the Settlement dated 13.04.2015, a sum of Rs.2,01,889/- towards Earned Leave Salary for 133 days and Medical Leave Salary for 32 days, a sum of Rs.12,235/- towards Earned Leave Salary for 10 days from 21.11.2013 to 30.11.2013, a sum of Rs.69,431/- towards arrears of difference in pension and revised monthly pension based on the salary payable to him as per the Settlement and as per the scale of pay of Rs.9300-34800 and Grade Pay of Rs.4,300/- from the date of completion of 32 years and with 5th review benefit as on the date of his retirement, with corresponding D.A. with

arrears, monthly pension payable under the Post Retirement Benefit Scheme from June 2016, with arrears together with interest at the rate of 12% p.a. for the above benefits and interest for the belated payment of service/terminal benefits which were already paid to him, award costs.

Writ Petition No 41293 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner a sum of Rs.5,54,003/- towards Gratuity, a sum of Rs.2,27,222/- towards Commuted Value of Pension, a sum of Rs.1,62,357/- towards Earned Leave Salary for 116 days and Medical Leave Salary for 22 days, a sum of Rs.12,942/- towards Earned Leave Salary for 10 days from 21.07.2015 to 31.07.2015, monthly pension payable under the Post Retirement Benefit Scheme from June 2016, with arrears together with interest at the rate of 12% p.a. for the above benefits and interest for the belated payment of service/terminal benefits which were already paid to him, award costs.

Writ Petition No 41294 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner a sum of Rs.4,01,859/- towards Gratuity, a sum of Rs.1,65,244/- towards Commuted Value of Pension, a sum of Rs.53,991/- towards Earned Leave Salary for 42 days and Medical Leave Salary for 10 days, a sum of Rs.10,348/- towards Earned Leave Salary for 10 days from 21.06.2016 to 30.06.2016 monthly pension payable under the Post Retirement Benefit Scheme from June 2016, with arrears together with interest at the rate of 12% p.a. for the above benefits and interest for the belated payment of service/terminal benefits which were already paid to him, award costs.

Writ Petition No 41295 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner a sum of Rs.6,74,378/- towards Gratuity, a sum of Rs.2,78,453/- towards Commutation, a sum of Rs.3,67,854/- towards Earned Leave Salary for 228 days and Medical Leave Salary for 74 days, a sum of Rs.12,180/- towards Earned Leave Salary for 10 days from 21.04.2013 to 30.04.2015, monthly pension payable under the Post Retirement Benefit Scheme from June 2016, with arrears together with interest at the rate of 12% p.a. for the above benefits and interest for the belated payment of service/terminal benefits which were already paid to him, award costs.

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|-------------------|-------------------|
| For Petitioners : | Mr.R.Krishnaswamy |
| For Respondents : | Mr.P.Kannan Kumar |

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 respondent.

4. The issue involved in these 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/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

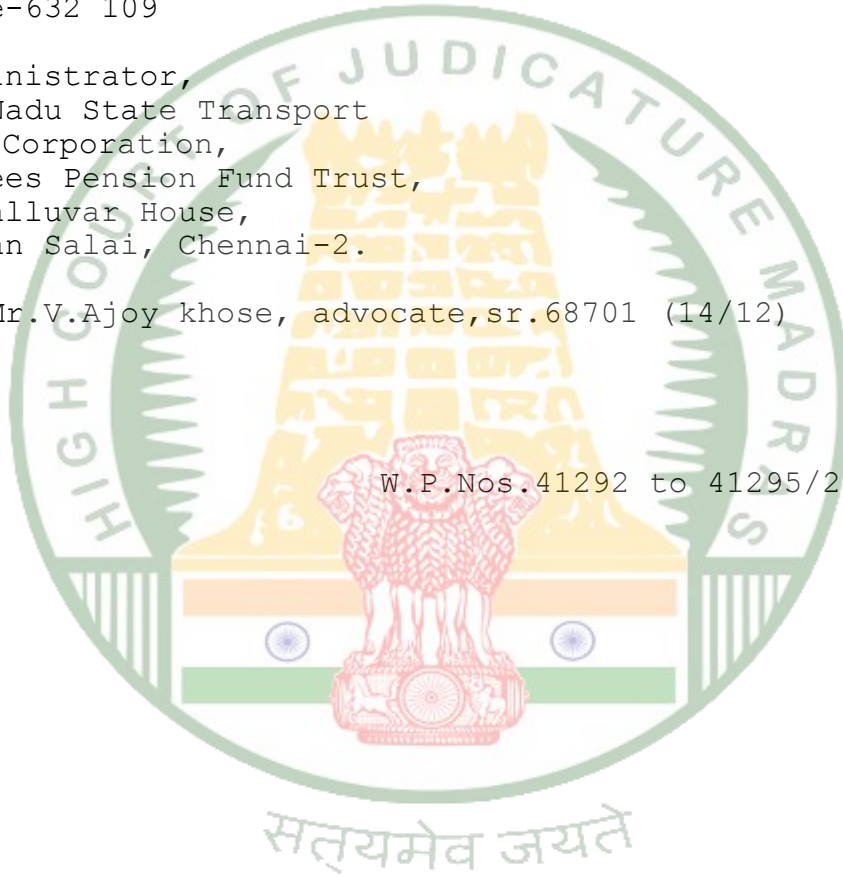
To

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Employees Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai, Chennai-2.

+1 cc to Mr.V.Ajoy khose, advocate,sr.68701 (14/12)

pk(co)  
krd 29/11

W.P.Nos.41292 to 41295/2016



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