

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41376 to 41378 of 2016

P.Rajendran ... Petitioner in W.P.41376/2016

P.Natarajan ... Petitioner in W.P.41377/2016

M.Pitchandi ... Petitioner in W.P.41378/2016

Vs.

1. Tamilnadu State Transport Corporation (Villupuram) Ltd
Rep by its Managing Director
Salamedu Villupuram-605 602
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Kancheepuram Region Kancheepuram
3. The Administrator
Tamil Nadu State Transport Corporations
Employees pension Fund Trust
Thiruvalluvar Illam Pallavan Salai
Chennai-600 002.

... Respondents in
all the writ petitions

Writ petition No.41376 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 60 998/- towards gratuity a sum of Rs.6 750/- towards wage revision arrears for 4 months for the period from 01.09.2013 to 31.12.2013 a sum of Rs.1 67 998/- towards earned leave salary for 153 days and 11.5 days medical leave salary a sum of Rs.3 23 831/- towards commuted value of pension after adjusting the amount already paid to him revised pension based on the salary payable to the petitioner as per the settlement dated 13.04.2015 as on the date of retirement with corresponding increase in 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% per annum for the above benefits and also to pay the Petitioner interest for the belated payment of service / terminal benefits, which were already paid, award costs.

Writ petition No.41377 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 92 985/- towards gratuity a sum of Rs.2 68 910/- towards commuted value of Pension after adjusting the amount already paid a sum of Rs.9 714/- towards wage revision arrears for three months a sum of Rs.3 212/- towards D.A arrears for two months a sum of Rs.12 188/- towards earned leave salary for 11 days revised pension at the rate of Rs.10 808/- based on the salary payable to him as per the settlement dated 13.04.2015 as on the date of retirement with corresponding D.A. with Arrears w.e.f. 01.03.2014 monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the Petitioner interest for the belated payment of service / terminal benefits including the belated payment of the provident Fund amount of Rs.2,32,142/- which were already paid, award costs.

Writ petition No.41378 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.3 33 379/- towards gratuity a sum of Rs.26 208/- towards wage revision arrears for 18 months a sum of Rs.2 18 900/- towards earned leave salary for 224 days a sum of Rs.15 500/- towards ERBS fund arrears for 20 months revised pension based on the salary payable to him as per the settlement dated 13.04.2015 as on the date of retirement with corresponding D.A. with arrears including the arrears payable upto June 2016 monthly pension payable under the post Retirement Benefit Scheme from June 2016 with arrears and interest for the belated payment of service / terminal benefits including the belated payment of the commuted value of Pension and other service / terminal benefits, which were already paid, award costs respectively.

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 respondent is 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 II)

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Sub Assistant Registrar

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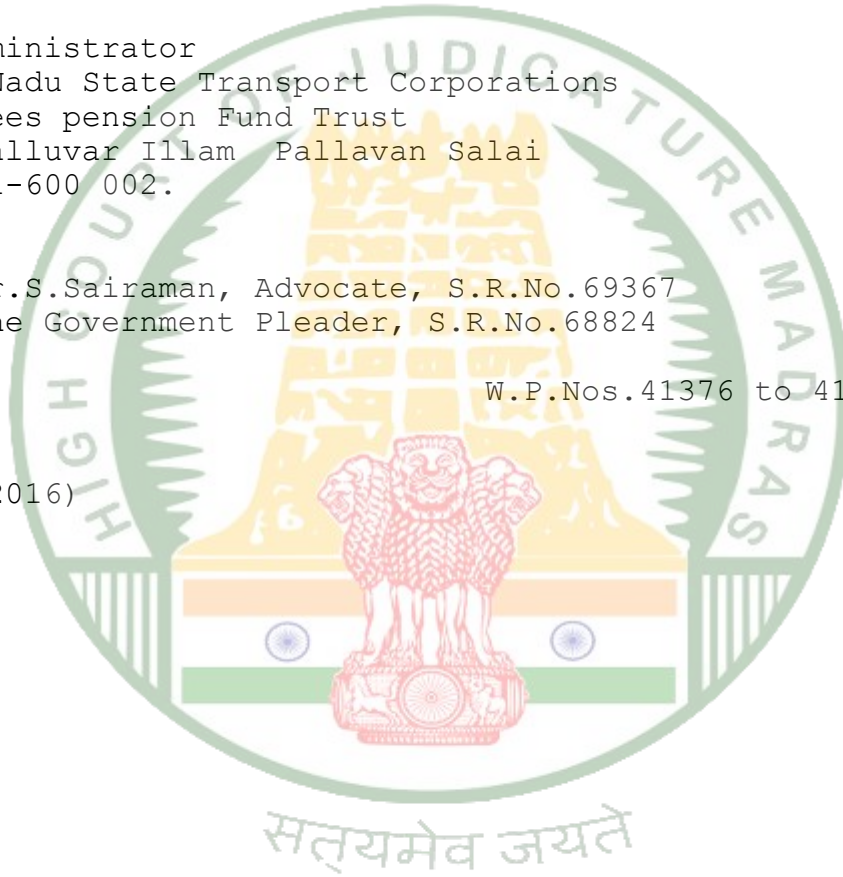
To

1. The Managing Director
Tamilnadu State Transport
Corporation (Villupuram) Ltd
Salamedu Villupuram-605 602
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Kancheepuram Region
Kancheepuram
3. The Administrator
Tamil Nadu State Transport Corporations
Employees pension Fund Trust
Thiruvalluvar Illam Pallavan Salai
Chennai-600 002.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.69367
+1cc to the Government Pleader, S.R.No.68824

W.P.Nos.41376 to 41378 of 2016

SM(CO)
CA(01/12/2016)



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