

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41754 to 41756 of 2016

W.P.No.41754 of 2016:

V.Jayachandran ... Petitioner

vs.

- 1 The Government of Tamil Nadu
Rep by the Secretary Transport Department
Secretariat St. George Fort Chennai-600 009
- 2 The Manaing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
- 3 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Villupuram Region
Villupuram-605 602
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002

... Respondents

W.P.No.41755 of 2016:

S.J.Eliyas ... Petitioner

vs.

- 1 The Manaing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
- 2 The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Kancheepuram

- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002 ... Respondents.

W.P.No.41756 of 2016:

P.Muniandi Petitioner

vs.

- 1 The Manaing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Kancheepuram
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002 ... Respondents

Writ petition No.41754 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender DA Arrears VII Pay Commission Arrears Surrender Leave Salary and Pay Anomaly Salary 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. 31.08.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Writ petition No.41755 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender 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. 31.05.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Writ petition No.41756 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender RBS Arrears Settlement 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. 30.04.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner :Mr.M.Selvam,
in all the writ petitions

For Respondents :Mr.O.Selvam,
Govt. Advocate, for R1-
WP.No.41754/2016
Mr.S.Sairaman,
for R2 to R4 in WP.No.41754/2016
and for Respondents in WP.No.41755
& 41756/2016.
in all the writ petitions.

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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, learned Government Advocate, who has taken notice on behalf of the first 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 1.2.2017.

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

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

sbi

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To

1 The Secretary to
The Government of Tamil Nadu
Transport Department
Secretariat St. George Fort Chennai-600 009

- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
- 3 The General Manager
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Chennai-600 002
- 5 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Kancheepuram

+3cc to Mr.M.Selvam, Advocate, S.R.No.70178
+1cc to the Government Pleader, S.R.No.70496

MSM(CO)
BB(27/12/2016)

W.P.Nos.41754 to
41756 of 2016

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