

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.41889 to 41896 of 2016

S.Syed Saiffuddin	... Petitioner in WP.41889/16
H.Satthar	... Petitioner in WP.41890/16
C.Chandran	... Petitioner in WP.41891/16
C.Asaithambi	... Petitioner in WP.41892/16
K.P.Veerassamy	... Petitioner in WP.41893/16
A.nazeer Ahamed	... Petitioner in WP.41894/16
N.Manoharan	... Petitioner in WP.41895/16
A.Abdul Azeez	... Petitioner in WP.41896/16

Vs.

1. The Government of Tamil Nadu,
Rep. by the Secretary,
Transport Department,
Secretariate, St. George Fort,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
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 all WPs

WP.no.41889/16: 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 including Gratuity, EL Surrender, ERBS Pension arrears, DA Arrears, IRT amount, Settlement arrears and Welfare fund 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% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.01.2015 to till date of actual payment to the petitioner, within the time limit to be fixed by this Court.

WP.No.41890/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender Leave Surrender ERBS Pension arrears DA Arrears IRT amount Settlement arrears Commutation Provident Fund 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. 31.05.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41891/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender ERBS Pension arrears DA Arrears IRT amount and Welfare fund 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. 30.6.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41892/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender ERBS Pension arrears DA Arrears and IRT amount 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. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41893/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender ERBS Pension arrears DA Arrears and settlement arrears 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. 30.04.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41894/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including EL Surrender ERBS Pension arrears IRT amount Settlement arrears DA arrears and Pension arrears 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. 29.02.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41895/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity EL Surrender ERBS Pension arrears DA Arrears and settlement arrears 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. 31.3.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.41896/16: Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (EL) IRT amount Grade Pay arrears Settlement arrears ERBS Pension and welfare fund 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. 31.05.2016 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
For R-1	: Mr.A.Selvam, Government Advocate
For R2 to R4	: Mr.R.K.Gandhi

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 respondents to settle the retirement benefits, due to the petitioners, along with interest.

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 respondents 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 and the learned counsel who takes notice for the respondents.

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 respondents are 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/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
Transport Department,
Secretariate, St. George Fort,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
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.

+8 cc's to Mr.M.Selvam, advocate, sr.70179

+1 cc to Govt.Pleader, sr.70978.

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krd 5/12

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41896 of 2016

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