

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.41900 to 41905 of 2016

W.P.No.41900 of 2016

V.Sekar Petitioner in WP.No.41900/16
S. Mani (Staff No.TR.3341) Petitioner in WP.No.41901/16
B.N. Kandasamy (Staff.No.Cr.61032) Petitioner in WP.No.41902/16
G.S. Suresh (Staff No.Sa.OA.AR.01649) Petitioner in WP.No.41903/16
S. Panneer (StaffNo.CI.15270) ..Petitioner in WP.No.41904/16
S. Loganathan (Staff No.CR.61141) ..Petitioner in WP.No.41905/16

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602. (R1 in all Wps)
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram. (R2 in Wps41900,41902 &
41905/2016)
3. The Administrator, सतयमेव जयते
Tamil Nadu State Transport Corporation
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. (R3 in Wps41900 to 41902,41904
&41908/2016)
- 3 The General Manager,
Tamil Nadu State Transport Corpn. (Villupuram) Ltd.,
Vellore Region, Vellore R2 in WP.41901/2016,41904/2016

4 The General manager,
Tamil nadu State Transport Corporation (Villupuram) Ltd.,
Rangapuram, Vellore Region, Vellore R2 in WP.41903/2016

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), Settlement Effect with Arrears, Pension & Basic Pay Revised as per Settlement, D.A. Arrears and all other benefits by calculating D.A. Eligible as per the fixation made by the government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.11.2014 within the stipulated time as may be fixed by this Court.

WP.No.40901/2016

Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of writ of mandamus Directing the 1st respondent herein consider and to dispose of the petitioners representation dated 22.09.2016, thereby direct the 1st respondent to disburse the terminal benefits of the petitioner herein namely Gratuity Commutation ERBS (Employees Retirement Benefit Scheme) pension arrears surrender leave salary i.e. earn leave Salary D.A (dearness allowance) arrears and pension DA (dearness allowance) arrears with interest at 18% per annum with effect from 01.07.2016 in accordance with law within a time frame that may be fixed by this Honourable Court.

WP.No.41902/2016

Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave) Settlement Effect with Arrears Pension Arrears Pension & Basic Pay Revised as per Settlement D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.02.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.41903/2016

Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) 2013 Settlement Effect with Arrears Pension Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu

Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.09.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.41904/2016

Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Old Medical Leave) IRT Share Amount Labour Welfare Fund 2013 Settlement Effect with Arrears Last 10 Days Salary and D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.41905/2016

Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave) Settlement Effect with Arrears D.A. Arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner
in all W.Ps. : Mr.G.Sakthivel
For Respondents
in all W.Ps. : Mr.P.Kannan Kumar

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/-
Assistant Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

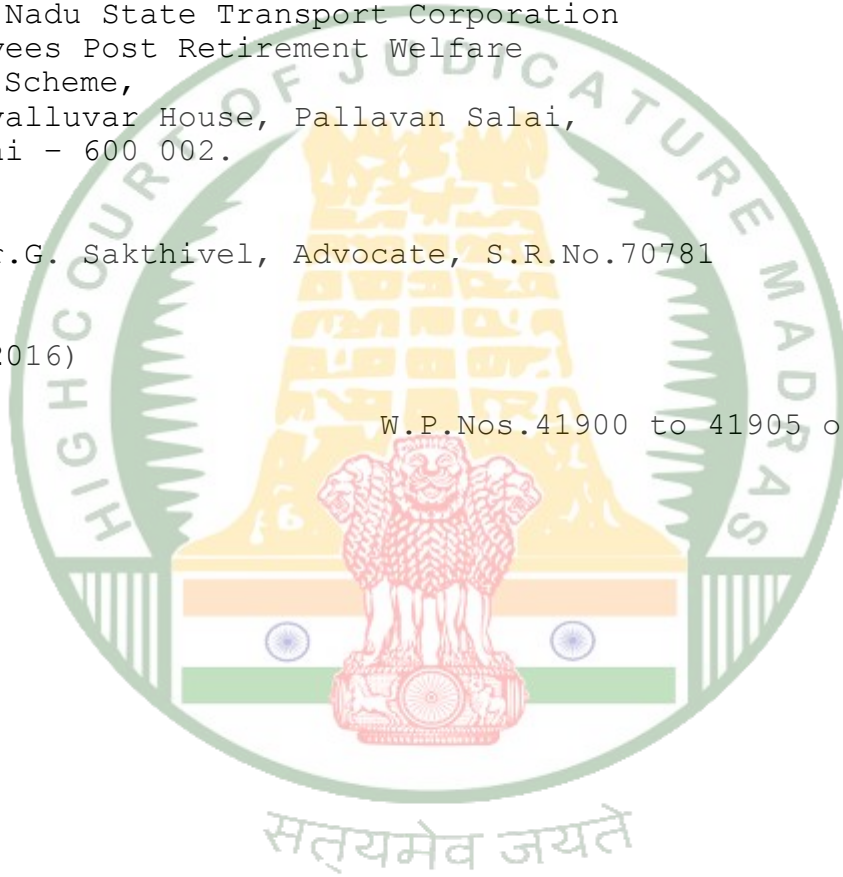
1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy, Villupuram
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region, Kancheepuram

- 3 The General Manager,
Tamil Nadu State Transport Corpn. (Villupuram) Ltd.,
Vellore Region, Vellore
- 4 The General manager,
Tamil nadu State Transport Corporation (Villupuram) Ltd.,
Rangapuram, Vellore Region, Vellore
5. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+6cc to Mr.G. Sakthivel, Advocate, S.R.No.70781

rv(CO)
md(20/12/2016)

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