

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.42152 to 42155 of 2016

W.P.No.42152 of 2016:

K.B.Bojan

..Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-600009

- 2 The Managing Director
Tamil Nadu State Transport
Corporation (CBE)
Ltd Head Office NO.37
Mettupalayam Road
Coimbatore- 641 043

.... Respondents

W.P.No.42153 of 2016:

P.Chandra Babu

.... Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-600 009.

- 2 The Managing Director
Tamil Nadu State Transport
Corporation (VPM)
Ltd 3/137 Salamedu
Valuthareddy post
Villupuram- 605 602

3 The Administrator
Tamil Nadu State Transport
Corporation
Pension fund Trust
Thiruvalluvar House
Pallavansalai Chennai-600 002 ... Respondents

W.P.No.42154 of 2016:

P.Thangavelu ... Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-600009
- 2 The Managing Director
Tamil Nadu State Transport Corporation
(CBE Ltd Head Office No.37
Mettupalayam Road
Coimbatore- 641 043 ...Respondents

W.P.No.42155 of 2016:

S.Aruchami ...Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-600009
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (CBE
Ltd Head Office No.37
Mettupalayam Road
Coimbatore- 641 043 ..Respondents

W.P.No.42152 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to settle the petitioners retirement benefits such as Leave Encashment (EL) Leave Encashment (ML-98) DA arrears and other eligible terminal

benefits after having duly taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.01.2011 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

W.P.No.42153 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to settle the retirement benefits payable to the petitioner namely Gratuity Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) Commutation of Pension pending in service leave salary for the year 2015 and 2016 (30 days) DA arrears PF Arrears Subscription amount of Medical and Engineering College Encashment of unearned leave salary on private affairs order in Government Letter NO.37568/ BPE/ 2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.10.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

W.P.No.42154 of 2016: Writ petition 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 namely the Gratuity Leave Encashment (EL) Leave Encashment (ML-98) pending in service Leave Salary for 2 years DA arrears and other eligible terminal benefits after having duly taking into the accounts the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.06.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

W.P.No.42155 of 2016: Writ petition 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 namely the Gratuity Leave Encashment (EL) Leave Encashment (ML-98) pending in service Leave Salary for 4 years DA arrears and other eligible terminal benefits after having duly taking into the accounts the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.06.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan,
in all the W.Ps.

For Respondents : Mr.O.Selvam, GA
for R1
Mr.S.Sairaman,
for R2 and R3
in all the W.Ps.

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 and 3.

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(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-600009
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office NO.37 Mettupalayam Road
Coimbatore- 641 043
- 3 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy post
Villupuram- 605 602
- 4 The Administrator
Tamil Nadu State Transport Corporation
Pension fund Trust Thiruvalluvar House
Pallavansalai Chennai-600 002.

4 ccs to Mr. V.S. Jagadeesan, Advocate Sr.70726
4 ccs to Government Pleader Sr.71261 to 61263

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42155 of 2016

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