

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.10377 to 10381 of 2017

K.Thangaraju .. Petitioner in WP 10377 of 2017
M.Shanmugavadivu .. Petitioner in WP 10378 of 2017
P.Murugesan .. Petitioner in WP 10379 of 2017
S.Selvakumar .. Petitioner in WP 10380 of 2017
G.Jayanthi .. Petitioner in WP 10381 of 2017

-Vs-

1. The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road
Salem-7

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.
Respondents 1 & 2 in W.P.Nos.
.. 10377 to 10380 of 2017

3. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy
Villupuram 605 602.

4. The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Cuddalore Region
Cuddalore 607 001.

5. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002. .. Respondents 1 to 3 in
WP 10381 of 2017

W.P.No.10377 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT share Amount, Labour Welfare Fund, VRS compensation amount, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 04.01.2017 within the stipulated time fixed by this Court.

W.P.No.10378 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT share Amount, Labour Welfare Fund, VRS compensation amount, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 23.11.2016 within the stipulated time fixed by this Court.

W.P.No.10379 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2010-2012 ERBS pension and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.02.2017 within the stipulated time fixed by this Court.

W.P.No.10380 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT share amount, Labour Welfare Fund, D.A. Arrears and all other retirement Benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.03.2017 within the stipulated time fixed by this Court.

W.P.No.10381 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Pension, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), 12 (3) settlement effect with Arrears, Pension Arrears, D.A. Arrears and others by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 03.10.2014 within the stipulated time.

For Petitioner in
all the petitions:: Mr.G.Sakthivel

For Respondents in
all the petitions:: Mr.A.Antony Arokiaraja

ORDER

The petitioners in W.P.Nos.10377 to 10380 of 2017, having voluntary retired from service or retired on reaching the age of superannuation, as the case may be, as Senior grade superintendent/Assistant Manager/Superintendent/Senior Assistant in the respondent Corporation on 03.01.2017, 22.11.2016, 13.01.2017, 28.02.2017 and the petitioner in W.P.No.10381 of 2017, being the legal heir of the deceased Mr.G.Gunasekaran, who died on 02.10.2014 while serving as Special Grade Driver, have filed these writ petitions seeking a direction to the respondents to settle the terminal benefits payable to them, as prayed for in the petitions, by considering their representations dated 27.03.2017, 27.03.2017, 10.04.2017, 12.04.2017, 11.04.2017.

2. Mr.A.Antony Arokiaraja, learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions also.

3. This Court, recording the statement made by the learned standing counsel for the Transport Corporation, taking note of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioners viz., the retired employees

or the legal heir, as the case may be, through twelve equal monthly instalments carrying interest of 6% p.a., by considering their representations. The instalments should commence from July, 2017 and each of the instalments should be paid on or before 7th of each month. In case of any delay in the payment of the instalments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioners for such non-payment of the instalments. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gmd/ss

To

1. The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road
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2. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy
Villupuram 605 602.
3. The General Manager
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Cuddalore Region
Cuddalore 607 001.
4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+5ccs to Mr.C.Sathivel,Advocate sr.25466

+5cc to Mr.A.Antony Arokiaraja,Advocate
sr.24987,24988,24989,24990,24991

W.P.Nos.10377 to 10381 of 2017

pa(co)
ss(11/5/2017)