

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. Nos.1286 to 1292 of 2017 (7 WPs)

A. Jawaharlal	Petitioner in WP No.1286 of 2017
P. Nagendran	Petitioner in WP No.1287 of 2017
K. Soundararajan	Petitioner in WP No.1288 of 2017
V. Subramani	Petitioner in WP No.1289 of 2017
G. Rajamanickam	Petitioner in WP No.1290 of 2017
M. Ravikumar	Petitioner in WP No.1291 of 2017
S. Parivel	Petitioner in WP No.1292 of 2017

vs.

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

Prayer in W.P. No.1286 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, commutation, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund, Commutation, Labour Welfare Fund and DA arrears and other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of voluntary 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 voluntary retirement, i.e., 29.02.2016 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1287 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, commutation, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund and settlement arrears and 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., 30.06.2012 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1288 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund and settlement arrears and 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 etc., to the petitioner payable from the date of retirement, i.e., 30.06.2014 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1289 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus, interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund and settlement arrears and 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., 31.07.2016 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1290 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus, interest for belated settlement of Commutation, Labour Welfare Fund and settlement arrears and 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 the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1291 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund and 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., 30.04.2016 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.1292 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund and 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., 31.07.2016 to till the date of actual payment to the petitioner within a time frame.

For petitioner Mr. M. Selvam
in all WPs

For R1 Mr. V. Jayaprakash Narayanan
in all WPs Special Government Pleader

For RR 2-4 Mr. R.K. Gandhi
in all WPs Standing Counsel

COMMON ORDER

Inasmuch as the issue involved in all these writ petitions is one and the same, these writ petitions are considered and decided by this common order.

2 With the consent of the learned counsel for the parties, these writ petitions are taken up for final disposal.

3 The petitioners, having retired/voluntarily retired from service as Helper/Selection Grade Senior Driver/Selection Grade Senior Conductor/Senior Checking Inspector/Senior Grade Driver/Foreman in the respondent Corporation on 29.02.2016, 30.06.2012, 30.06.2014, 31.07.2016, 30.04.2013, 30.04.2016 and 31.07.2016 respectively, have filed these writ petitions seeking a writ of mandamus directing the respondents to settle all their terminal benefits such as Provident Fund, Gratuity, Earned Leave salary, EL Surrender, ML credit, ERBS pension arrears, Pension DA arrears, Bonus and interest for belated settlement of Provident Fund and Commutation, Labour Welfare Fund, etc. with interest at the rate of 18% per annum, within a time frame.

4 The learned Standing Counsel for the respondent-Transport Corporation submitted that since there has been a direction issued by a Division Bench in identical cases in W.A. (MD) Nos.383 to 457 of 2015 [K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited, represented by its Managing Director, Madurai and others] vide judgment dated 12.06.2015 directing the Transport Corporation to disburse all the retiral benefits in 12 equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions as well.

5 This Court, recording the statement made by the learned Standing Counsel for the respondent Transport Corporation and taking note of the judgment dated 12.06.2015 of the Division Bench in W.A. (MD) Nos.383 to 457 of 2015 referred to above, directing the respondents therein to settle all the retirement benefits of the appellants therein in 12 equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioners in 12 equal monthly instalments with interest at the rate of 6% p.a. The instalments shall commence from July, 2017 and each of the instalments shall be paid on or before 7th of each month. In case of any delay in payment of 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 the above direction, these writ petitions are disposed of. Costs made easy.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Secretary
Government of Tamil Nadu
Transport Department, Secretariat,
St.George Fort, Chennai-600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishnan Road, Salem 636 007.
3. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region, Bharathi puram,
Dharmapuri-636 705.

4. The Administrator
Tamil Nadu State Trasport Corporation
Employees Post Retirement Weltone Fund Scheme,
Tiruvalluvar House, Pallavan Salai,
Chennai-600 002

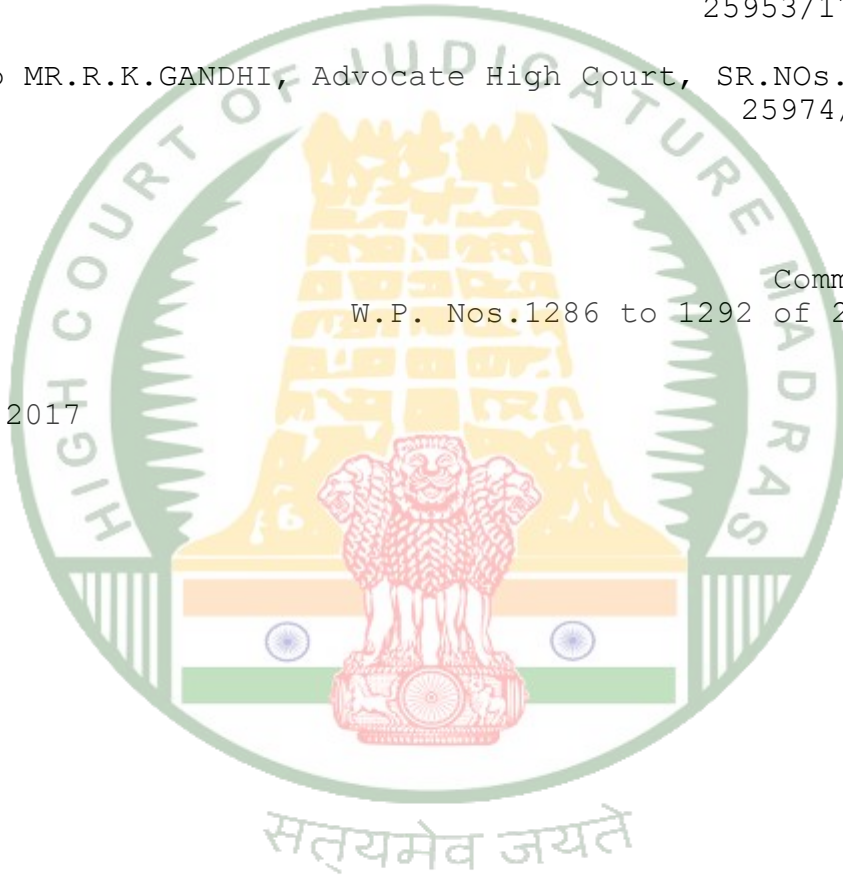
+2 C.CS to Govt.Pleader, High Court, SR.NOs.25673/17 &
25674/17

+7 C.CS to MR.M.SELVAM, Advocate High Court, SR.NOs.25947/17 to
25953/17

+7 C.CS to MR.R.K.GANDHI, Advocate High Court, SR.NOs.25968/17 to
25974/17

Common order in
W.P. Nos.1286 to 1292 of 2017 (7 WPs)

SJ (CO)
ADD 17.05.2017



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