

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.43517, 43518, 43520 to 43523 of 2016

R.Ramachandran .. Petitioner in W.P.No.43517 of 2016
A.Sivaprakasam .. Petitioner in W.P.No.43518 of 2016
K.Saravanan .. Petitioner in W.P.No.43520 of 2016
M.Ekambaram .. Petitioner in W.P.No.43521 of 2016
K.Palani .. Petitioner in W.P.No.43522 of 2016
D.Vijayan .. Petitioner in W.P.No.43523 of 2016

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602 .. 1st Respondent in all the writ
petitions
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vellore Region
Vellore 632 009 .. 2nd respondent in
W.P.Nos.43517 of 2016
& 3rd respondent in
W.P.No.43518, 43522
of 2016
3. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Thiruvannamalai Region
Thiruvannamalai .. 2nd respondent in W.P.No.43518 &
43522 of 2016
4. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram .. 2nd Respondent in W.P.No.43520,
43521, & 43523 of 2016

5. The Administrator

Tamil Nadu State Transport
Corporation Employees Post Retirement
Welfare Fund Scheme

Thiruvalluvar House,
Pallavan Salai

Chennai 600 002 .. 3rd respondent in W.P.No.43517,43520,
43521, 43523 of 2016 & 4th respondent in
W.P.No.43518, 43522 of 2016

W.P.No.43517 of 2016 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, Leave Surrender (Earned Leave of 228 days & Old Medical Leave 147 days), D.A.arrears and all other 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 01.08.2016, within the stipulated time as may be fixed by this Hon'ble Court.

W.P.No.43518 of 2016 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, Leave Surrender (Earned Leave of 234 days & Old Medical Leave 101 days) Labour Welfare Fund, IRT amount, Leave surrender from 2013 to 2015 45 days, 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 01.06.2016 within stipulated time as may be fixed by this Hon'ble Court.

W.P.No.43520 of 2016 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, Commutation, Leave Surrender (Earned Leave), settlement effect with 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 stipulated time as may be fixed by this Hon'ble Court.

W.P.No.43521 of 2016 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, Leave Surrender (Earned Leave & Old Medical), Commutation, 12(3) 2013 settlement effect with arrears, D.A.arrears from January 2016 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 01.09.2015 within stipulated time as may be fixed by this Hon'ble Court.

W.P.No.43522 of 2016 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, Leave Surrender (Earned Leave & Old Medical leave), Labour Welfare Fund, IRT amount, 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 01.08.2016 within stipulated time as may be fixed by this Hon'ble Court.

W.P.No.43523 of 2016 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, Commutation, Leave Surrender (Earned Leave & Old Medical leave), settlement effect 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 stipulated time as may be fixed by this Hon'ble Court.

For Petitioners :: Mr.G.Sakthivel

For Respondents :: Mr.P.Paramasivados

ORDER

The petitioners, having retired from service as Senior Assistant Engineer/Special Grade Driver/Special Grade Conductor/Foreman/Selection Grade Conductor in the respondent Corporation on 31.7.2016, 31.5.2016, 30.6.2016, 31.8.2015, 31.7.2016 & 30.6.2016 respectively, have filed these writ petitions seeking a direction to the respondents to settle the retirement benefits payable to them, as prayed for in the petitions, with interest at 12% per annum.

2. Mr.P.Paramasivados, 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 respondents, 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 through twelve equal monthly instalments carrying interest of 6% p.a. 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 (CS III)

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Sub Asst. Registrar

ss

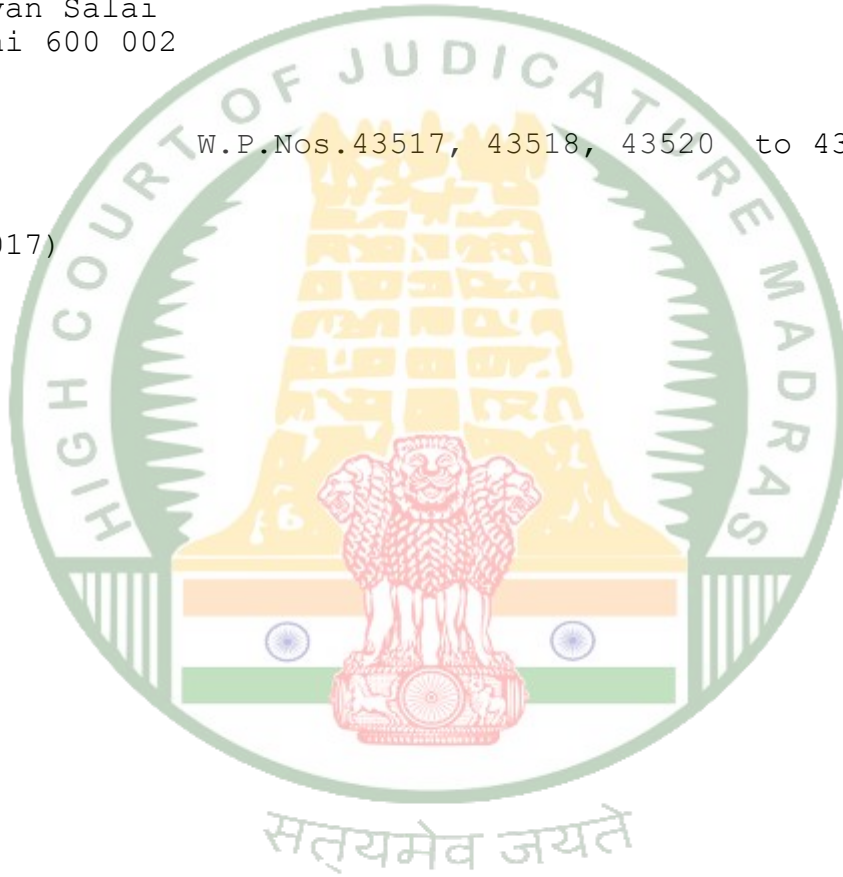
To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vellore Region
Vellore 632 009
3. The General Manager
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Corporation (Villupuram) Limited
Thiruvannamalai Region
Thiruvannamalai

4. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
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5. The Administrator
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Thiruvalluvar House,
Pallavan Salai
Chennai 600 002

W.P.Nos.43517, 43518, 43520 to 43523 of 2016

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