

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.44491 to 44496 of 2016

A.Amirthalingam	..	Petitioner in W.P.No.44491 of 2016
T.Chinnadurai	..	Petitioner in W.P. No.44492 of 2016
S.Ramalingam	..	Petitioner in W.P. No.44493 of 2016
S.Rathinam	..	Petitioner in W.P. No.44494 of 2016
N.Raja	..	Petitioner in W.P. No.44495 of 2016
C.Chandran	..	Petitioner in W.P. No.44496 of 2016

-VS-

1.The Government of Tamil Nadu,
rep. by the Secretary,
Transport Department,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road,
Salem – 636 007.

3. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road,
Salem – 636 007.

4. The Administrator
Tamil Nadu State Transport
Corporation Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

.. Respondents in W.P. Nos.44491,
44494, 44495 of 2016

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
Cuddalore Region, Cuddalore.

3. The Administrator
Tamil Nadu State Transport
Corporation Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai
Chennai 600 002 ..

Respondents in W.P. Nos.44492,
44493 of 2016

1.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai-2.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002. ..

Respondents in W.P. No.44496 of 2016

W.P.No.44491 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 settle the petitioner's retirement benefits including Gratuity, Provident Fund, Commutation, Labour Welfare Fund, EL Leave Surrender Salary, ML Credit, ERBS Pension arrears, Pension DA arrears, Medical College Fund and IRT fund and interest for belated settlement of Provident Fund, Gratuity, Commutation and Labour Welfare fund and in 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 date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.44492 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

settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, Pension Arrears, DA arrears, Salary arrears and RBS arrears 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., 31.03.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.44493 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 settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, Pension Arrears, Settlement arrears, DA arrears, Salary arrears and RBS arrears 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., 30.11.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.44494 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 settle the petitioner's retirement benefits including Gratuity, ML Credit, ERBS Pension arrears, Pension DA arrears, 1 year pension belated settlement of Provident Fund, Labour Welfare fund and interest for belated settlement of Provident Fund and Commutation, Labour Welfare fund and in 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 voluntary retirement i.e., 30.09.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.44495 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 settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender, ML Surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount 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 voluntary retirement i.e., 31.10.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.44496 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 settle the petitioner's retirement benefits including Commutation, Leave Surrender (EL) Employees Welfare Amount, IRT amount, fourth review arrears and DA 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., 28.02.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioners :: Mr.M.Selvam

For Respondents :: Mr.T.M.Pappiah,
Special Government Pleader for R1 in
W.P. Nos.44491, 44494 and 44495/2016

Mr.R.K.Gandhi,
Standing Counsel in
W.P. Nos.44492, 44493, 44496/2016
and for R2 to R4 in
W.P. Nos.44491, 44495 and 44494/2016

ORDER

The petitioners, having retired from service as Selection Grade Senior Driver/Senior Tradesman/Special Grade Conductor/Selection Grade Senior Conductor/General Foreman/Driver Instructor in the respondent Corporation on 30.04.2016, 31.03.2015, 30.11.2012, 30.09.2012, 31.10.2016, 28.02.2015 respectively, have filed these writ petitions seeking a direction to the respondents to settle all the retirement benefits payable to them, as prayed for in the petitions, with interest at 18% per annum.

2.Mr.T.M.Pappiah, learned Special Government Pleader and Mr.R.K.Gandhi, 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 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 June, 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.

Speaking/Non speaking order
Index : yes/no
vga

07.04.2017

To

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T.RAJA, J.

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