

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.10503 to 10511 of 2016

S.Kali Goundan	..	Petitioner in WP 10503/16
S.Rajendran	..	Petitioner in WP 10504/16
Po.Mohanan	..	Petitioner in WP 10505/16
K.T.Natarajan	..	Petitioner in WP 10506/16
M.Dharmarajan	..	Petitioner in WP 10507/16
Tm.Swaminathan	..	Petitioner in WP 10508/16
M.Abdul Rasheed	..	Petitioner in WP 10509/16
K.Gopal Nair	..	Petitioner in WP 10510/16
R.Kuppuraj	..	Petitioner in WP 10511/16

Vs

1. The Management of
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
rep. by its Managing Director,
Coimbatore.
2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Anna Salai, Chennai 2.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the 1st respondent to pay the petitioner Rs.5,52,659/- towards Gratuity and Rs.39,618/- towards Leave Salary together with 18% interest per annum and further direct the respondents to pay him interest amount towards the delayed payment of communication amount of Rs.2,34,400/- for the period from 31.01.2013 to 01.10.2013 at the reate of 18% p.a. within a time frame.

WP No.10504 of 2016: Directing the 1st respondents to pay the petitioner Rs.5,09,815/- towards Gratuity and arrears of salary for the period from 01.09.13 to 31.05.14 payable pursuant new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,45,576/- towards the Pension Commutation amount and arrears of pension for the period from 01.06.2014 by revising his pension, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

<https://hcservices.ecourts.gov.in/hcservices/>

WP No.10505 of 2016: Directing the 1st respondents to pay the petitioner Rs.5,85,778/- towards Gratuity, Rs.89,105/-

towards Leave Salary and arrears of salary for the period from 01.09.2013 to 30.11.2014 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,40,181/- towards the Pension Commutation amount and arrears of pension for the period from 01.12.2014 by revising his pension, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

WP No.10506 of 2016: Directing the 1st respondents to pay the petitioner Rs.6,10,667/- towards Gratuity, Rs.33,192/- towards Leave Salary and arrears of Salary for the period from 01.09.2013 to 28.02.2015 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,77,331/- towards the Pension Commutation amount and arrears of Pension for the period from 01.03.2015 by revising his pension, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

WP No.10507 of 2016: Directing the 1st respondents to pay the petitioner Rs.5,64,111/- towards Gratuity, Rs.2,85,312/- towards Leave Salary and arrears of salary for the period from 01.09.2013 to 31.03.2015 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,34,455/- towards the Pension Commutation amount and arrears of pension for the period from 01.04.2015 by revising his pension, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

WP No.10508 of 2016: Directing the 1st respondents to pay the petitioner Rs.9,01,383/- towards Gratuity, Rs.64,581/- towards Leave Salary and arrears of salary for the period from 01.09.2013 to 30.04.2015 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.3,31,893/- towards the pension commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Honourable Court

WP No.10509 of 2016: Directing the 1st respondents to pay the petitioner Rs.5,68,930/- towards Gratuity, Rs.87,930/- towards Leave Salary and arrears of salary for the period from 01.09.2013 to 30.04.2015 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,49,422/- towards the pension commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

<https://hcservices.ecourts.gov.in/hcservices/> WP No.10510 of 2016: Directing the 1st respondents to pay the petitioner Rs.5,80,557/- towards Gratuity and arrears of salary for the period from 01.09.2013 to 30.04.2015 payable

pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,56,434/- towards the Pension Commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Honourable Court.

WP No.10511 of 2016: Directing the 1st respondents to pay the petitioner Rs.7,35,440/- towards Gratuity, Rs.11,317/- towards Leave Salary and arrears of salary for the period from 01.09.2013 to 30.04.2015 payable pursuant new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,86,623/- towards the pension commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Honourable Court

For Petitioners : Mr.V.Ajay Khose

For Respondents : Mr.Sairaman,
Standing Counsel

C O M M O N O R D E R

The petitioners have filed the above writ petitions to direct the 1st respondent to pay their gratuity and leave salary together with 18% interest per annum and further to direct the respondents to pay them interest amount towards the delayed payment of communication arrears within a stipulated time.

2. The learned counsel appearing for the petitioners submitted that the issue involved in the writ petitions is covered by a decision of the Division Bench of this Court made in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015.

3. Mr.Sairaman, learned Standing Counsel taking notice for the respondents also submitted that the issue involved in these writ petitions is covered by the decision of the Division Bench made in the said writ appeals. Further, the learned Standing Counsel submitted that the petitioners' pending representations in this regard may be directed to be disposed of in the light of the Judgment rendered in Writ Appeal (MD) Nos.383 to 457 of 2015.

4. Having regard to the submissions made by the learned counsel on either side, in view of the Division Bench Judgment rendered by this Court in W.A(MD) Nos.383 to 457 of 2015, dated 12.06.2015, the respondents are bound to follow the same. Further, the petitioners' representations dated 03.03.2015, 07.03.2015, 03.03.2015, 03.03.2015, 07.03.2015, 03.03.2015, 03.03.2015, 03.03.2015 and 07.03.2015 respectively are not considered by the respondents till this date.

5. In these circumstances, I direct the 1st respondent to consider the petitioners' representations dated 03.03.2015, 07.03.2015, 03.03.2015, 03.03.2015, 07.03.2015, 03.03.2015, 03.03.2015, 03.03.2015 and 07.03.2015 respectively, in the light of the Judgment rendered in W.A(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With these observations, 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 Management of
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
rep. by its Managing Director,
Coimbatore.
2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Anna Salai, Chennai 2.

+1 cc to Mr.V.Ajay Khose, Advocate, sr.17709
+1 cc to Mr.S.Sairaman, Advocate, sr.18262

W.P.Nos.10503 to 10511 of 2016

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kra 28.03.2016

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