

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.13311 to 13327 of 2016

D.Balasubramanian	..	Petitioner in W.P.No.13311 of 2016
C.Usman	..	Petitioner in W.P.No.13312 of 2016
D.Sigamani	..	Petitioner in W.P.No.13313 of 2016
M.Anantha Krishnan	..	Petitioner in W.P.No.13314 of 2016
A.Krishnaswamy	..	Petitioner in W.P.No.13315 of 2016
K.Rajendran	..	Petitioner in W.P.No.13316 of 2016
V.Durairaj	..	Petitioner in W.P.No.13317 of 2016
K.Murugesan	..	Petitioner in W.P.No.13318 of 2016
M.Bagavathyraj	..	Petitioner in W.P.No.13319 of 2016
P.Subramanian	..	Petitioner in W.P.No.13320 of 2016
M.Thirunavukkarasu	..	Petitioner in W.P.No.13321 of 2016
M.Krishnasamy	..	Petitioner in W.P.No.13322 of 2016
K.Gopalan	..	Petitioner in W.P.No.13323 of 2016
P.Kuppusamy	..	Petitioner in W.P.No.13324 of 2016
P.Jeganathan	..	Petitioner in W.P.No.13325 of 2016
S.Gangatharan	..	Petitioner in W.P.No.13326 of 2016
K.Selvaraj	..	Petitioner in W.P.No.13327 of 2016

-vs-

1. The Management of
Tamil Nadu State Transport Corporation
(Kovai) Limited
rep.by its Managing Director
Coimbatore
2. The Administrator
Tamil Nadu State Transport
Employees' Pension Fund Trust
Thiruvalluvar Illam, Anna Salai,
Chennai-2 .. Respondents 1 & 2 in all the W.P's

W.P.No.13311 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.4,57,262/- towards leave salary and Rs.21,800/- towards balance of gratuity amount, after calculating the benefits based on the monthly wages payable on the month of his retirement by taking note of the increased dearness allowance, together with 18% interest per annum and also interest amount towards the delayed payment of part of Gratuity amount Rs.6,42,711/- for the

period from 31.07.11 to 30.12.13 as per Sec.7(3A) of the Payment of Gratuity Act and further directing the first and second respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.3,33,802/- for the period from 31.07.11 to 20.06.13 at the rate of 18% per annum within a time frame as may be fixed by this Court.

W.P.No.13312 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.38,250/- towards leave salary together with 18% interest per annum and also interest amount towards the delayed payment of Gratuity amount Rs.4,80,302/- for the period from 30.06.12 to 08.05.15 as per Sec.7(3A) of the Payment of Gratuity Act and further directing the first and second respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2,48,000/- for the period from 30.06.12 to 21.10.13 at the rate of 18% per annum within a time frame as may be fixed by this Court.

W.P.No.13313 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.5,73,342/- towards Gratuity and Rs.4,38,416/- towards leave salary together with 18% interest per annum and further directing the respondents to pay the interest amount towards the delayed payment of Pension Commutation amount Rs.2,97,941/- for the period from 31.03.13 to 25.10.13 at the rate of 18% per annum within a time frame as may be fixed by this Court.

W.P.No.13314 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 pay the petitioner Rs.4,72,979/- towards Gratuity and arrears of salary for the period from 01.09.13 to 31.01.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,36,665/- towards the Pension Commutation amount and arrears of pension for the period from 01.02.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. January, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.13315 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 pay the petitioner Rs.6,90,050/- towards Gratuity and Rs.2,82,693/- towards leave salary and arrears of salary for the period from 01.09.13 to

31.10.13 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and arrears of pension for the period from 01.11.13 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. October, 2013 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A. (MD)No.1457/15 and etc.,batch.

W.P.No.13316 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 pay the petitioner Rs.6,89,053/- towards Gratuity and arrears of salary for the period from 01.09.13 to 31.03.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,70,216/- towards the Pension Commutation amount and arrears of pension for the period from 01.04.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. March, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A. (MD)No.1457/15 and etc.,batch.

W.P.No.13317 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.10,44,450/- towards Gratuity and Rs.5,60,625/- towards leave salary and further directing the respondents to pay him Rs.4,59,267/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

W.P.No.13318 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 pay the petitioner Rs.5,86,613/- towards Gratuity and arrears of salary for the period from 01.09.13 to 31.08.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,49,204/- towards the Pension Commutation amount and arrears of pension for the period from 01.09.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. August, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A. (MD)No.1457/15 and etc.,batch.

W.P.No.13319 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.5,44,206/- towards Gratuity and arrears of salary for the period from 01.09.13 to 31.12.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum arrears of pension for the period from 01.01.15 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. December, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A.(MD)No.1457/15 and etc.,batch.

W.P.No.13320 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.6,83,969/- towards Gratuity, Rs.81,328/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.12.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,82,069/- towards the Pension Commutation amount and arrears of pension for the period from 01.01.15 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. December, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc.,batch.

W.P.No.13321 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.5,72,158/- towards Gratuity, Rs.21,565/- towards leave salary and arrears of salary for the period from 01.09.13 to 28.02.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,59,869/- towards the Pension Commutation amount and arrears of pension for the period from 01.03.15 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. February, 2015 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc.,batch.

W.P.No.13322 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner

Rs.5,65,321/- towards Gratuity, Rs.1,27,909/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.01.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,56,255/- towards the Pension Commutation amount and arrears of pension for the period from 01.02.15 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. January, 2015 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc.,batch.

W.P.No.13323 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.5,84,606/- towards Gratuity, Rs.1,66,531/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.01.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,65,494/- towards the Pension Commutation amount and arrears of pension for the period from 01.02.15 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. January, 2015 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc.,batch.

W.P.No.13324 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.8,14,598/- towards Gratuity, Rs.1,79,181/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.3,17,127/- towards the Pension Commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Court.

W.P.No.13325 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.4,65,979/- towards Gratuity and Rs.3,08,452/- towards E.P.F. employees contribution and arrears of salary for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.3,08,452/- towards the Pension Commutation amount and arrears of pension for the period

from 01.02.14 by revising his pension together with 18% interest per annum, within a time frame as may be fixed by this Court.

W.P.No.13326 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.6,40,765/- towards Gratuity, Rs.53,382/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,83,074/- towards the Pension Commutation amount together with 18% interest per annum, within a time frame as may be fixed by this Court.

W.P.No.13327 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 pay the petitioner Rs.6,61,521/- towards Gratuity and Rs.61,768/- towards leave salary together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioners :: Mr.V.Ajoy Khose

For Respondents :: Mr.S.Sairaman

ORDER

The petitioners have filed these writ petitions for issuance of a writ of mandamus directing the respondents to settle the retirement benefits including gratuity, leave salary and all other arrears of retirement benefits with interest at the rate of 18% per annum payable from the date of retirement and also to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioners within a time frame that may be stipulated by this Hon'ble Court.

2. Heard Mr.V.Ajoy Khose, learned counsel for the petitioners. Mr.S.Sairaman, learned counsel takes notice on behalf of the respondents.

3. All the petitioners joined the services of the respondent Transport Corporation either as Helper, Driver, Conductor & Tradesman respectively and all of them retired as Superintendent, Selection Grade Driver, Selection Grade Tradesman, Special Grade Conductor, Senior Grade Asst.Engineer, Tradesman, Senior Grade Tradesman, Special Grade Driver respectively of the first respondent Corporation. Now the grievance of the petitioners is that their retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

4. Since the issue is squarely covered by the various orders passed by this Court, in the light 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), these writ petitions are disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioners through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from May, 2016 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. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road
Coimbatore 641 043
2. The Administrator
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to M/S V.AjoyKhose, Advocate Sr.23291
+1cc to M/S.S.Sairaman, Advocate sr.23247

W.P.Nos.13311 to 13327 of 2016

rsi(CO)
srg(22/04/2016)