

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 23507 to 23512 of 2016
23517 to 23527 of 2016,
23564 of 2016,
23610 to 23612 of 2016

S.LOGANATHAN STAFF NO.JO 1076
... PETITIONER in WP No.23507 of 2016
K.JAGANATHAN STAFF NO.JO 1064
... PETITIONER in WP No.23508 of 2016
V.ARUMUGAM STAFF NO.74 TS2 J 1058
... PETITIONER in WP No.23509 of 2016
N.KARUPPUSAMY STAFF NO.JO 13017
... PETITIONER in WP No.23510 of 2016
P.SIVANATHAN STAFF NO. J 13007
... PETITIONER in WP No.23511 of 2016
C.SUBRAMANIAN STAFF NO.J 13015
... PETITIONER in WP No.23512 of 2016
K.SUNDARARAJAN
... PETITIONER in WP No.23517 of 2016
V.KANAKA SABAPATHY
... PETITIONER in WP No.23518 of 2016
C.RAJU
... PETITIONER in WP No.23519 of 2016
R.KANAGARAJ
... PETITIONER in WP No.23520 of 2016
T.ARUMUGAM
... PETITIONER in WP No.23521 of 2016
A.KRISHNAN
... PETITIONER in WP No.23522 of 2016
K.LAKSHMANAN
... PETITIONER in WP No.23523 of 2016
K.JEGANATHAN
... PETITIONER in WP No.23524 of 2016
R.NAMACHIVAYAM
... PETITIONER in WP No.23525 of 2016
S.ABDUL SALEEM
... PETITIONER in WP No.23526 of 2016
A.PARANJOTHI
... PETITIONER in WP No.23527 of 2016

A.THANGARAJ

... PETITIONER in WP No.23564 of 2016

R.SABAPATHI

... PETITIONER in WP No.23610 of 2016

D.RAJKUMAR IMMANUVEL

... PETITIONER in WP No.23611 of 2016

P.RAGOTHAMAN

... PETITIONER in WP No.23612 of 2016

Vs.

1.THE PRINCIPAL SECRETARY TO GOVERNMENT

TRANSPORT DEPARTMENT

FORT ST.GEORGE

CHENNAI-600 009.

...IST RESPONDENT IN W.P 23507 TO 23512,
23610 TO 23612/16

2.THE MANAGING DIRECTOR

TAMILNADU STATE TRANSPORT

CORPORATION (CBE) LIMITED

37, METTUPALAYAM ROAD

COIMBATORE-641 043.

...2ND RESPONDENT IN W.P.23507,
23512/16

3.THE ADMINISTRATOR

TAMILNADU STATE TRANSPORT CORPORATION PENSION FUND TRUST

THIRUVALLUVAR HOUSE

PALLAVAN SALAI

CHENNAI-600 002.

... 3RD RESPONDENTS IN
W.P.23507,23512,23610,23612/16

1.THE MANAGEMENT OF TAMIL NADU

STATE TRANSPORT CORPORATION (KOVAI) LTD REP.

BY ITS MANAGING DIRECTOR COIMBATORE.

2.THE ADMINISTRATOR

TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION

FUND TRUST THIRUVALLUVAR ILLAM ANNA SALAI

CHENNAI-2.

... RESPONDENTS in WP No.23517
to 23527 of 2016

M/S.STATE EXPRESS TRANSPORT

CORPORATION LTD. REP. BY ITS THE MANAGING

DIRECTOR PALLAVAN SALAI CHENNAI--2.

...RESPONDENT IN W.P.NO.23564 OF 2016

THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION (VPM)

LTD 3/137 SALAMEDU VALUTHAREDDY POST

VILLUPURAM- 605 602.

...2ND RESPONDENT IN W.P.NO.23610 &
23612/2016

THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION (KUM)

LTD 27 NEW RAILWAY STATION ROAD

KUMBAKONAM- 612 001.

...2ND RESPONDENT IN W.P.NO.23611/16

These Writ Petitions are filed U/A.226 of the Constitution of India praying to a Writ of Mandamus

WP No.23507 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.79,000/- Gratuity Arrears amount of Rs.2,20,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.5,40,00/- (Rupees Five Lakhs forty thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.11.2011 as Senior Checking Inspector in the 2nd respondents office.

WP No.23508 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.2,25,000/- Gratuity Arrears amount of Rs.2,00,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.6,66,000/- (Rupees Six Lakhs Sixty six thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.10.2011 as Senior Checking Inspector in the 2nd respondents office.

WP No.23509 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.1,39,000/- Gratuity Arrears amount of Rs.2,50,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.6,30,000/- (Rupees Six Lakhs thirty thousand only) with 18% interest on delayed

payment to the petitioner who is retired from service on 30.06.2012 as Senior Checking Inspector in the 2nd respondents office.

WP No.23510 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.32,000/- Gratuity Arrears amount of Rs.2,20,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.4,93,000/- (Rupees Four Lakhs Ninety three thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.01.2012 as Senior Checking Inspector in the 2nd respondents office.

WP No.23511 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.32,000/- Gratuity Arrears amount of Rs.2,00,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.4,73,000/- (Rupees Four Lakhs Seventy three thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.04.2011 as Senior Checking Inspector in the 2nd respondents office.

WP No.23512 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary of Rs.20,000/- Gratuity Arrears amount of Rs.2,00,000/- Pension Commutation Arrears amount Rs.75,000/- Pension Arrears amount of Rs.1,10,000/- and Settlement Salary difference arrears amount of Rs.56,000 and the total comes to Rs.4,61,000/- (Rupees Four Lakhs Sixty one thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.05.2011 as Senior Checking Inspector in the 2nd respondents office.

WP No.23517 of 2016:

to directing the 1st respondent to pay the petitioner Rs.2,79,815/- towards Gratuity Rs.2,17,248/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.9.2013 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the

respondents to pay him Arrears of Pension for the period from 1.10.2013 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., September, 2013 by revising the same as per the settlement dated 13.4.2015, as ordered by the Honourable Division Bench of this Court in its order.

WP No.23518 of 2016:

to directing the 1st respondent to pay the petitioner Rs.6,23,827/- towards Gratuity Rs.11,858/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 28.2.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,62,380/- towards the Pension Commutation Amount and Arrears of Pension for the period from 1.3.2014 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 2014 by revising the same as per the settlement dated 13.4.2015, as ordered by the Hon'ble Division Bench of this Court in its Order dated 29/01/16 in W.A.(MD) 1457/15 and etc batch.

WP No.23519 of 2016:

to directing the 1st respondent to pay the petitioner Rs.4,88,648/- towards Gratuity Rs.17,663/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.3.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,27,624/- towards the Pension Commutation Amount and Arrears of Pension for the period from 1.4.2014 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 13.4.2015, as ordered by the Hon'ble Division Bench of this Court in its Order dated 29/01/16 in W.A.(MD) 1457/15 and etc batch.

WP No.23520 of 2016:

to directing the 1st respondent to pay the petitioner Rs.6,14,942/- towards Gratuity Rs.1,57,620/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 30.4.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Arrears of Pension for the period from 1.5.2014 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., April, 2014 by revising the same as per the settlement dated 13.4.2015, as ordered by the Honourable Division Bench of this Court in its order by the Hon'ble Court in its Order dated 29/01/16 in W.A.(MD)1457/15 and etc batch.

WP No.23521 of 2016:

to directing the 1st respondent to pay the petitioner Rs.4,16,250/- towards Gratuity Rs.5,300/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.5.2014 payable pursuant New Wage Settlement together with 18% interest per annum, alongwith interest amount towards the delay period from 31.5.2014 to 23.9.2014 in paying EPF Employees Contribution Amount Rs.1,94,323/- at the rate as per EPF Scheme and Arrears of pension for the period from 1.6.2014 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., May, 2014 by revising the same as per the Settlement dated 13.04.15 as ordered by the Hon'ble Court Division Bench of this Court in its Order dated 29/01/16 in W.A.(MD)1457/15 and etc batch.

WP No.23522 of 2016

to directing the 1st respondent to pay the petitioner Rs.7,24,710/- towards Gratuity Rs.1,41,303/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.5.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Arrears of Pension for the period from 1.6.2014 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., May, 2014 by revising the same as per the settlement dated 13.4.2015, as ordered by the Honourable Division Bench of this Court in its ordered in WA(MD) 1457/15 and etc batch.

WP No.23523 of 2016:

to directing the 1st respondent to pay the petitioner Rs.7,96,915/- towards Gratuity Rs.2,78,520/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 30.6.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.3,21,245/- towards the pension Commutation amount and arrears of Pension for the period from 1.7.2014 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., June, 2014 by revising the same as per the settlement dated 13.4.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.1.15 in W.A (MD) 1457/15 and etc batch.

WP No.23524 of 2016

to directing the 1st respondent to pay the petitioner Rs.8,26,500/- towards Gratuity Rs.75,933/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 30.6.2014 payable pursuant New Wage Settlement together with 18% interest per annum, alongwith interest amount towards the delay period from 30.6.2014 to 7.10.2014 in paying EPF Employees Contribution Amount Rs.4,46,128/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,97,539/- towards the pension Commutation Amount and Arrears of pension for the period from 1.7.2014 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 ie. June 2014 by revising the same as per the settlement dated 13.4.2015.

WP No.23525 of 2016:

to directing the 1st respondent to pay the petitioner Rs.8,21,322/- towards Gratuity Rs.2,55,060/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 30.9.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Arrears of Pension for the period from 1.10.2014 by revising his pension, together with 18% interest after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e., September, 2014 by revising the same as per the settlement dated 13.4.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.1.15 in W.A (MD) 1457/15 and etc batch.

WP No.23526 of 2016:

to directing the 1st respondent to pay the petitioner Rs.5,45,887/- towards Gratuity Rs.2,99,957/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.12.2014 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,55,148/- towards the pension Commutation amount and arrears of pension for the period from 1.1.2015 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 13.4.2015, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.2015 in W.A.(MD) 1457/15 and etc batch.

WP No.23527 of 2016:

to directing the 1st respondent to pay the petitioner Rs.4,30,255/- towards Gratuity Rs.8,184/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 28.2.2015 payable pursuant New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.1,87,544/- towards the pension Commutation amount and arrears of pension for the period from 1.3.2015 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 13.4.2015, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.2015 in W.A.(MD) 1457/15 and etc batch.

WP No.23610 of 2016:

to directing the 2nd & 3rd respondents to disburse the retirement viz., Gratuity of Rs.6,43,881/- Leave Surrender Salary Rs.2,10,635/- and Pension Commutation amount Rs.2,98,041/- the total comes to Rs.11,52,557/- (Rupees Eleven Lakhs Fifty Two thousand five hundred and fifty seven only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.01.2014 as Traffic Inspector in the 2nd respondents office.

WP No.23611 of 2016:

to directing the 2nd respondent to disburse the retirement viz., Gratuity of Rs.10,00,000/- Leave Surrender Salary Rs.9,82,768/- and Leave on Private affairs of Rs.368538/- the total comes to Rs.23,51,306/- (Rupees Twenty three Fifty one thousand three hundred and six only) with 18% interest on delayed payment to the petitioner who is retired from service on 28.02.2015 as Manager (Accounts) in the 2nd respondents office.

WP No.23612 of 2016:

to directing the 2nd & 3rd respondent to disburse the retirement viz., Gratuity of Rs.6,85,765/- Leave Surrender Salary Rs.3,87,045/- and Pension Commutation amount Rs.3,01,557/- the total comes to Rs.13,74,367/- (Rupees Thirteen Lakhs Seventy Four Thousand three hundred and sixty seven only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.06.2014 as Traffic Inspector in the 2nd respondents office.

WP No.23564 of 2016:

to directing the respondent to settle the terminal benefits of the petitioner of gratuity amount of Rs.10,00,000/- Surrender of earned and medical leave amount of Rs.6,19,044/- Commutation of pension amount of Rs.4,10,547/- Leave on private affairs amount of Rs.88,155/-, Social Security Scheme Benefit amount of Rs.25,000/- Erode Engineering & medical College Amount of Rs.5,000/-, arrears of salary for 11 months from April 2015 to February 2016 as per G.O.Ms. No.146, Transport (C) Department dated 30.11.2015 of Rs.30,000/- and provident fund recovered in the April 2016 salary Rs.6,620/- altogether a sum of Rs.21,84,366/- with interest at the rate of 6% per annum taking into consideration of the representation of the Petitioner dated 13.06.2016.

For Petitioner : Mr.D.Veerasekaran
in W.P.No.23507/2016
to 23512,23610,23612/16

For Respondent 1 :Mr.M.Dig Vijaya Pandian
in W.P.No.23507/2016 Standing Counsel
for Transport Corporation

For R2 in W.P.No.
23512/16
&23610,23612/16 :S.Sairam

For Petitioner :D.Soundararaj in
W.P.No.23564 of 2016

For Respondent :Paramasivadosh in
W.P.No.23564 of 2016

For Petitioner : V.Ajoykhose in
W.P.23517 to 23527/16

For Respondent :Mr.S.Selvam
Standing Counsel for Transport
in
W.P.23517 to 23527 of 2016

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though, they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.10.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.THE PRINCIPAL SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT
FORT ST.GEORGE
CHENNAI-600 009.
- 2.THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT
CORPORATION (KOVAI) LIMITED
COIMBATORE.
- 3.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (VPM)
LTD 3/137 SALAMEDU VALUTHAREDDY POST
VILLUPURAM- 605 602.
- 4.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (KUM)

LTD 27 NEW RAILWAY STATION ROAD
KUMBAKONAM- 612 001.

5.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT
CORPORATION (CBE) LTD
N37, METTUPALAYAM ROAD,
COIMBATORE-641 043.

6.THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION PENSION FUND TRUST
THIRUVALLUVAR HOUSE
PALLAVAN SALAI
CHENNAI-600 002.

+9cc to Mr.D.Veerasekaran, Advocate sr.38262,
38261,38260,38264,38263,38265,38266,38267,38268
+1cc to Mr.V.Ajoy Khose, Advocate Sr.38583
+1cc to Mr.R.S.Selvam, Advocate sr.38689
+1cc to the Government Pleader Sr.38529

W.P.Nos. 23507 to 23512 of 2016
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23610 to 23612 of 2016

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srg 06/09/2016

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