

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.23927 to 23944 of 2016

- | | | | |
|-----|------------------|-----|-----------------------------|
| 01. | P.Vasudevan | ... | Petitioner in WP.23927/2016 |
| 02. | K.Munusamy | ... | Petitioner in WP.23928/2016 |
| 03. | R.Rajasekaran | ... | Petitioner in WP.23929/2016 |
| 04. | P.Kandasamy | ... | Petitioner in WP.23930/2016 |
| 05. | P.Balakrishnan | ... | Petitioner in WP.23931/2016 |
| 06. | A.Senkottaiyan | ... | Petitioner in WP.23932/2016 |
| 07. | S.Mani | ... | Petitioner in WP.23933/2016 |
| 08. | A.Murugapillai | ... | Petitioner in WP.23934/2016 |
| 09. | K.Krishnamoorthy | ... | Petitioner in WP.23935/2016 |
| 10. | M.Vaithalingam | ... | Petitioner in WP.23936/2016 |
| 11. | V.Velayutham | ... | Petitioner in WP.23937/2016 |
| 12. | A.Thiyagarajan | ... | Petitioner in WP.23938/2016 |
| 13. | K.Alagarasan | ... | Petitioner in WP.23939/2016 |
| 14. | P.Thangaraj | ... | Petitioner in WP.23940/2016 |
| 15. | M.Subramanian | ... | Petitioner in WP.23941/2016 |
| 16. | M.Sivanantham | ... | Petitioner in WP.23942/2016 |
| 17. | V.Sampath kumar | ... | Petitioner in WP.23943/2016 |
| 18. | P.Dhandapani | ... | Petitioner in WP.23944/2016 |

versus

- | | | |
|---|---|----------------------------|
| 1 | The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007. | |
| 2 | The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007. | |
| 3 | The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust Thiruvalluvar
House Pallavan Salai Chennai-2. | ... Respondents in all WPs |

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus (1) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23927/2016), (2) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23928/2016), (3) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23929/2016), (4) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23930/2016), (5) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23931/2016), (6) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23932/2016), (7) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23933/2016), (8) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23934/2016), (9) directing the respondents to settle payment of

- a. Gratuity amount
 - b. Earned Leave - 65 days
 - For the year 2010 - 15 days
 - For the year 2012 - 15 days
-
- Total earned leave 95 days

- c. Medical leave and other retiral benefits

payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23935/2016), (10) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23936/2016), (11) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23937/2016), (12) directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension Provident Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court (in WP.23938/2016), (13) directing the respondents to settle payment of

- a. Gratuity amount
 - b. Earned Leave - 195 days
 - For the year 2009 - 15 days
 - For the year 2010 - 15 days
 - For the year 2012 - 15 days
-
- Total earned leave 240 days

- c. Medical leave
 - As per the year 1999 Settlement - 150 days (in WP.23939/2016),

(14) directing the respondents to settle payment of

- a. Gratuity amount
 - b. Earned Leave - 237 days
 - For the year 2009 - 15 days
 - For the year 2010 - 15 days
-
- Total earned leave 267 days

- c. Medical leave
- d. Commutation of Pension
- e. Employees Retirement Benefit Scheme (ERBS)

and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court (in WP.23940/2016)

(15) directing the respondents to settle payment of

- a(i). Earned Leave - 226 days
- (ii) For the year 2009 - 15 days
- (iii) For the year 2010 - 15 days
- (iv) For the year 2011 - 15 days

Total earned leave 271 days

- b. Medical leave
As per the year 1999
Settlement - 144 days

c. Employment Retirement
Benefit Scheme (ERBS) payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court (in WP.23941/2016)

(16) directing the respondents to settle payment of

- a. Gratuity amount
- b. Earned Leave - 240 days
- (ii) For the year 2009 - 15 days

Total earned leave 255 days

- c. Medical Leave
- d. Commutation of Pension.
- e. Employment Retirement

Benefit Scheme (ERBS) payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court (in WP.23942/2016)

(17) directing the respondents to settle payment of

- a. Gratuity amount - 132 days
- b. Earned Leave
For the year 2011 - 15 days

Total earned leave 147 days

- c. Medical leave
- d. Provident Fund

and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court (in WP.23943/2016) and

(18) directing the respondents to settle payment of

- a. Gratuity amount
 - b. Earned Leave - 197 days
 - For the year 2010 - 15 days
 - For the year 2011 - 15 days
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- Total earned leave 227 days

- c. Medical leave
- d. Commutation of Pension
- e. Employment Retirement

Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court (in WP.23944/2016)

For petitioner ... Mr.N.Sudhagar Nagaraj
For respondents ... Mr.R.K.Gandhi

COMMON ORDER

Heard Thiru.N.Sudhagar Nagaraj, learned counsel for the petitioner and Thiru.R.K.Gandhi, learned counsel for the respondents.

2. With the consent of both the sides, the Writ Petitions are taken up for disposal.

3. The petitioners are employees of the respondent/Transport Corporation and have attained the age of superannuation and retired from service. However, their pensionary benefits has not been settled and therefore, the petitioners have approached this Court and filed the present Writ Petition to consider their representation for grant of pension.

4. It is brought to the notice of this Court by the learned counsel appearing on either side that this Court has considered a similar Writ Petition, and following the order passed by the Hon'ble Division Bench in the case of K.Rajendran and others vs. The Tamil Nadu State Transport Corporation (Madurai) Ltd. represented by its Managing Director, Madurai and others), dated 12.6.2015, issued directions to the respondent Corporation to settle the entire terminal benefits due and payable to the petitioner in twelve equal installments, carrying interest @ 6% p.a.

5. In the light of the said order, these Writ Petitions are disposed of with a direction to the respondent/Corporation to settle the entire terminal benefits due and payable to the petitioners in twelve equal installments, carrying interest @ 6% p.a. First of such installments shall commence from August 2016.

All the payments shall be paid on 7th of each month. In the event of delay in payment of any one of the installments, the same shall be payable along with interest at 18% p.a., for the delayed payment, and leaving it open to the petitioners to invoke other remedies available to them in the event of such non payment of installments.

6 . The Writ Petitions stand disposed of as indicated above.
No costs.
tar

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Division No.12
Ramakrishna Road Post Box No.713
Salem-636 007.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust Thiruvalluvar
House Pallavan Salai Chennai-2.

+ 18 cc to Mr.N.Sudhagar Nagaraj, Advocate SR 39343

+ 18 cc to Mr.R.K.Gandhi, Advocate SR 39864 to 39881

vs(co)
prk2/8

W.P.Nos.23927 to 23944 of 2016

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