

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.23945 to 23964 of 2016

1.R.Govindaraju	...	Petitioner in W.P.No.23945	of 2016
2.A.Thangavelu	...	Petitioner in W.P.No.23946	of 2016
3.K.Jayapal	...	Petitioner in W.P.No.23947	of 2016
4.P.Govindaraju	...	Petitioner in W.P.No.23948	of 2016
5.L.Palanivelu	...	Petitioner in W.P.No.23949	of 2016
6.A.ChandraMohan	...	Petitioner in W.P.No.23950	of 2016
7.C.Jagannathan	...	Petitioner in W.P.No.23951	of 2016
8.K.Sengodan	...	Petitioner in W.P.No.23952	of 2016
9.S.Rajamohan	...	Petitioner in W.P.No.23953	of 2016
10.A.Palanisamy	...	Petitioner in W.P.No.23954	of 2016
11.G.Madheswaran	...	Petitioner in W.P.No.23955	of 2016
12.K.Arunachalam	...	Petitioner in W.P.No.23956	of 2016
13.A.Francis	...	Petitioner in W.P.No.23957	of 2016
14.R.Obli Chetty	...	Petitioner in W.P.No.23958	of 2016
15.K.Varadharajan	...	Petitioner in W.P.No.23959	of 2016
16.M.Gnanasekaran	...	Petitioner in W.P.No.23960	of 2016
17.K.Kailappan	...	Petitioner in W.P.No.23961	of 2016
18.S.Thiyagamoorthy	...	Petitioner in W.P.No.23962	of 2016
19.K.Athiappan	...	Petitioner in W.P.No.23963	of 2016
20.K.Chandrasekar	...	Petitioner in W.P.No.23964	of 2016

Vs

- | | | | |
|---|---|-----|---|
| 1 | The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12 Ramakrishna Road,
Post Box No.713
Salem 636 007. | ... | Ist Respondent in
W.P.No.23945/16
to W.P.No.23964/2016 |
| 2 | The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.
Salem Division,
No.12 Ramakrishna Road,
Post Box No.713,
Salem 636007. | ... | 2nd Respondent in
W.P.NO.23945/16
to W.P.No.23964 of 2016 |

3 The Administrator,
Tami Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 2

...3rd Respondents in W.P.No.23945/16
to 23949/16, 23952,23954,23956,23957
and 23959 to 23962 of 2016

Prayer in WPs:

Prayer in W.P.No.23945 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of Gratuity Amount Earned Leave Commutation of Pension Employees Retirement Benefit Scheme (ERBS) Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P.No.23946 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of Gratuity Amount Earned Leave Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P.No.23947 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of Gratuity Amount Earned Leave Medical Leave Commutation of Pension Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P.No.23948 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of Gratuity Amount Earned Leave Medical Leave Commutation of Pension Employees Retirement Benefit Scheme (ERBS) Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P.No.23949 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of Gratuity Amount Earned Leave Medical Leave Commutation of Pension Employees Retirement Benefit Scheme (ERBS) Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P.No.23950 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. (I) Earned Leave	188 days
(ii) For the year 2009 Surrender	
Earned Leave	15 days
(iii) For the year 2010 Surrender	
Earned Leave	15 days
(iv) For the year 2011 Surrender	
Earned Leave	15 days

Total Earned Leave -	233 days
c. Medical Leave	
d. Employees Retirement Benefit Scheme (ERBS)	
and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.	

Prayer W.P.No.23951 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity	
b. (I) Earned Leave	160 days
(ii) For the year 2009-2012 Surrender	
Earned Leave	60 days

Total Earned Leave -	220 days

c. Medical Leave	117 days
and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.	

Prayer W.P.No.23952 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount

b. Earned Leave

c. (I) Medical Leave 37 days

(ii) As per 1999 Settlement
Medical Leave 70 days

Total Medical Leave 107 days

d. Commutation of Pension

e. Employees Retirement
Benefit Scheme (ERBS)

(f) Institute of Road and Transport Technology (IRTT)
Fund and other retiral benefits payable to the petitioner with
reasonable rate of interest within the time.

Prayer in W.P.No.23953 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount

b. Earned Leave 151 days

c. (I) Medical Leave 63 days

d. Institute of Road and Transport Technology (IRTT)

Fund and other retiral benefits payable to the petitioner with
reasonable rate of interest within the time.

Prayer in W.P.No.23954 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount

b. (I) Earned Leave 196 days

(ii) For the years 2009-2011 45 days

Total Earned Leave 241 days

c. Medical Leave 39 days

d. Commutation of Pension

e. Employees Retirement Benefit Scheme (ERBS)

f. Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23955 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. (I) Earned Leave	197 days
(ii) For the year 2009 Earned Leave	15 days
(iii) For the year 2010 Earned Leave	15 days
(iv) For the year 2011 Earned Leave	15 days

Total Earned Leave	242 days

c. Medical Leave 26 days

d. Employees Retirement Benefit Scheme (ERBS)

e. Institute of Road and Transport Technology (IRTT)

Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23956 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. (I) Earned Leave	131 days
(ii) For the year 2010 Earned Leave	15 days
(iii) For the year 2011 Earned Leave	15 days

Total Earned Leave	161 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.

Prayer in W.P.No.23957 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. Earned Leave	240 days
c. (i) Medical Leave	180 days
(ii) As per the year 1999 Settlement	50 days

Total Medical Leave	230 days

d. Employees Retirement Benefit Scheme (ERBS)

e. Institute of Road and Transport Technology (IRTT)
Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time.

Prayer in W.P No.23958 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. (i) Earned Leave-	184 days
(ii) For the year 2009 Earned Leave-	15 days
(iii) For the year 2010 Earned Leave-	15 days

Total earned Leave	214 days

c. (i) Medical Leave-	52 days
(ii) As per 1999 Settlement-	29 days

	81 days

d. Employees Retirement Benefits Scheme (ERBS)
and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23959 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity Amount	
b. (i) Earned Leave-	190 days
(ii) For the years 2009-2010 Earned Leave-	30 days

Total Earned Leave-	220 days

c. Medical Leave-As per the 1999 Settlement -	50 days
d. Commutation of Pension	
e. Provident Fund	
f. Employees Retirement Benefit Scheme (ERBS)	
g. Institute of Road and Transport Technology (IRTT)	

Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer W.P.No.23960 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity	
b. (i) Earned Leave-	239 days
(ii) For the year 2009 Earned Leave-	15 days
(iii) For the year 2010 Earned Leave-	15 days
(iv) For the year 2011 Earned Leave-	15 days

Total Earned Leave-	284 days

c. (i) Medical Leave for the Years 2009-2011	
(ii) Medical Leave as per the year 1999 Settlement -	150 days

- d. Commutation of Pension
e. Employees Retirement Benefit Scheme (ERBS)
f. Institute of Road and Transport Technology (IRTT)

Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23961 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity	
b. (i) Earned Leave-	74 days
(ii) For the years 2009-2010-	30 days

Total Earned Leave-	104 days

c. Medical Leave -As per the year 1999 Settlement	30 days
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d. Commutation of Pension
and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23962 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity amount	
b.(i) Earned Leave-	191 days
(ii) For the years 2009-2011 -	45 days

Total Earned Leave-	236 days

c. Medical Leave -	14 days
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d. Commutation of Pension

e. Employees Retirement Benefits Scheme (ERBS)

f. Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23963 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Earned Leave-	240 days
for the year 2010 Earned Leave -	15 days

Total Earned Leave-	255 days

and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

Prayer in W.P.No.23964 of 2016:

These Writ Petitions are filed U/A.226 of the Constitution of India, praying to issue a Writ of Mandamus directing to the respondents to settle payment of

a. Gratuity amount	
b. (i) Earned Leave	- 180 days
(ii) For the year 2009 Earned Leave-	15 days

Total Earned Leave-	195 days

c. Medical Leave

d. Employees Retirement Benefit Scheme (ERBS)

e. Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

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.

Sd/-

Assistant Registrar(CS IV)

//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 636007.
- 3 The Administrator,
Tami Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 2.

+20cc to Mr.N.Sudhager Nagaraj, Advocate Sr.29342

+20cc to Mr.R.K.Gandhi, Advocate Sr.39882 to 39901

W.P.Nos.23945 to 23964 of 2016

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srg 04/08/2016

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