

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.26208 to 26217 of 2016

|                  |              |                   |
|------------------|--------------|-------------------|
| K.N.Sevanan      | ..Petitioner | WP.No.            |
| 26208/2016       |              |                   |
| M. Dharmarajan   | ..Petitioner | WP.No. 26209/2016 |
| S. Valliyammal   | ..Petitioner | WP.No. 26210/2016 |
| R. Mohankumar    | ..Petitioner | WP.No. 26211/2016 |
| V. Muthukumar    | ..Petitioner | WP.No. 26212/2016 |
| R. Radhakrishnan | ..Petitioner | WP.No. 26213/2016 |
| A.M. Subramaniam | ..Petitioner | WP.No. 26214/2016 |
| T. Rangaraju     | ..Petitioner | WP.No. 26215/2016 |
| A. Thengavel     | ..Petitioner | WP.No. 26216/2016 |
| M. Nagaraj       | ..Petitioner | WP.No.            |
| 26217/2016       |              |                   |

Vs

The Management of Tamil Nadu State  
Transport Corporation (Kovai) Limited  
by its Managing Director, Coimbatore

Respondent in all the

WPs.

Prayer:- WP.No. 26208 of 2016 is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondent to pay the Petitioner Rs.2,67,672/- towards leave salary and Rs.1,21,192/- towards balance of gratuity amount together with 18% interest per annum, along with interest amounts towards delayed payment of part of the gratuity amount Rs.3,86,985/- for the period from 31.12.2010 to 4.11.2011 as per Section 7 (3A) of the Payment of Gratuity Act.

The other Writ Petitions are filed for the reliefs as stated therein.

Prayer WP.No. 26209:- Writ of Mandamus directing the respondent to pay the petitioner Rs.4,30,360/- Towards gratuity and Rs.13,515/- towards leave Salary together with 18% interest per amount;

Prayer WP.No. 26210:- Writ of Mandamus directing the respondent to pay the petitioner Rs.3,17,068/- Towards gratuity and Rs.62,123/- towards leave Salary together with 18% interest per amount;

Prayer WP.No. 26211:- Writ of Mandamus directing the

respondent to pay the petitioner Rs.6,66,193/- Towards gratuity and Rs.84,225/- towards leave Salary together with 18% interest per amount;

Prayer WP.No. 26212:- Writ of Mandamus directing the respondent to pay the petitioner Rs.5,23,568/- Towards gratuity and Rs.23,416/- towards leave Salary together with 18% interest per amount along with interest amount towards the delay period from 30.6.2013 to 10.09.2013 in paying EPF Employees contribution amount Rs.2,39,866 at the rate as per EPF Scheme;

Prayer WP.No. 26213:- Writ of Mandamus directing the respondent to pay the petitioner Rs.4,00,560/- Towards gratuity and Rs.86,616/- towards leave Salary together with 18% interest per amount along with interest amount towards the delay period from 31.7.2013 to 12.10.2013 in paying EPF Employees contribution amount Rs.2,20,359 at the rate as per EPF Scheme within a time frame.

Prayer WP.No. 26214:- Writ of Mandamus directing the respondent to pay the petitioner Rs.8,45,977/- Towards gratuity and Rs.3,40,782/- 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, along with interest amount towards the delay period from 31.05.2015 to 26.04.2016 in paying EPF Employees's contribution amount Rs.4,90,311/- at the rate as per EPF Scheme, within a time frame as may be fixed by this Hon'ble Court and thus render justice.

Prayer WP.No. 26215:- Writ of Mandamus directing the respondent to pay the petitioner Rs.5,06,250/- Towards gratuity and Rs.6,66,088/- towards EPF Employee's Contributions, Rs.1,10,849/- towards leave salary, Rs.50,000/- towards Social Security Scheme benefit and also arrears of salary for the period from 01.09.2013 to 31.03.2015 payable pursuant to new wage settlement dated 13.04.2015, together with 18% interest per annum, within a time frame as may be fixed by this Hon'ble Court and thus render justice.

Prayer WP.No.26216 of 2016: Writ of Mandamus directing the respondent to pay the petitioner Rs.6,62,580/- towards Gratuity Rs.2,00,486/- towards E.P.F. Employees Contributions and also 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 within a time frame as may be fixed by this Honourable Court and thus render justice;

Prayer WP.No.26217 of 2016: Writ of Mandamus directing the

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respondent to pay the petitioner Rs.8,51,142/- towards Gratuity Rs.2,36,778/- towards E.P.F. Employees Contributions Rs.2,23,531/- towards leave salary and also 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 within a time frame as may be fixed by this Honourable Court and thus render Justice;

For Petitioners: Mr.V.Ajoykhose

For Respondent : Mr.R.S.Selvam, Standing Counsel

#### ORDER

The grievance of the petitioners in all these Writ Petitions is that even though they retired from the services of the Respondent Transport Corporation long back, till date, their terminal benefits have not been settled. In this regard, they also made representations to the Respondent Transport Corporation. Since there was no response, the Petitioners are before this court.

3. The learned counsel for the Petitioners brought to the notice of this Court the common judgement 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 Respondent Transport Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. The learned counsel would further submit that following the same, this Court has passed similar orders in several writ petitions and pray that a similar order may be passed in these Writ Petitions also.

4. On the above contentions of the learned counsel for the Petitioners, this court heard the learned standing counsel for the Respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the Respondent Transport Corporation is directed to disburse the terminal benefits to the petitioners in twelve equal monthly instalments, in the light of the common judgement passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.10.2016.

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

Sd/-  
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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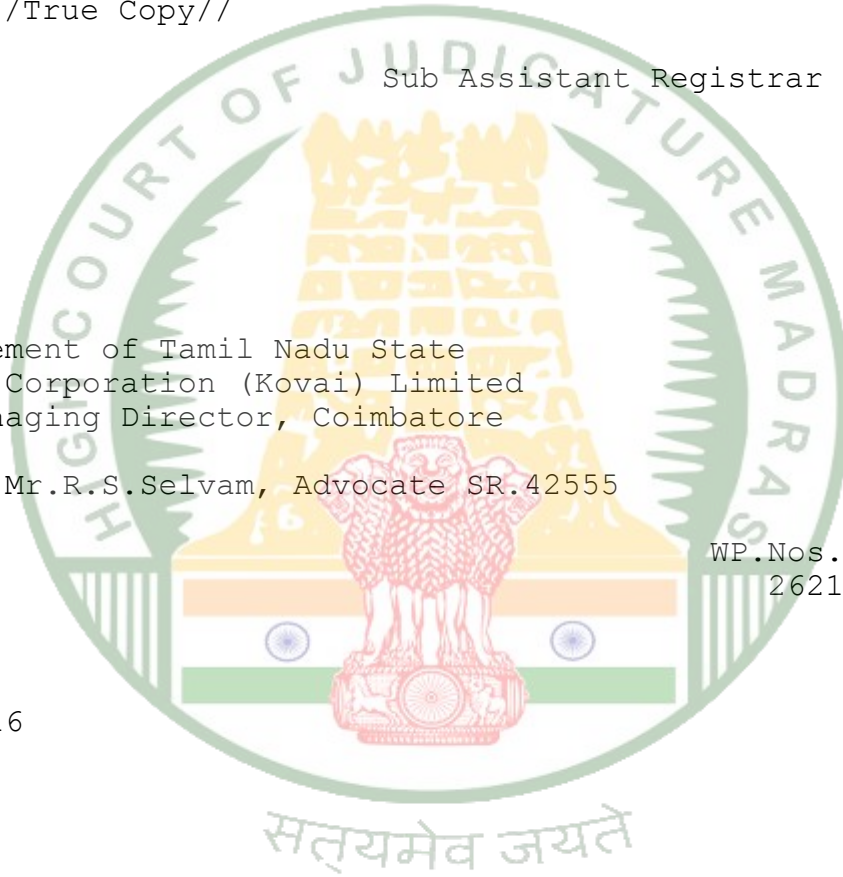
To:

The Management of Tamil Nadu State  
Transport Corporation (Kovai) Limited  
by its Managing Director, Coimbatore

+ 1 cc to Mr.R.S.Selvam, Advocate SR.42555

WP.Nos.26208 to  
26217 of 2016

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