

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 28186 of 2016,
28191 of 2016, 28195 of 2016,
28208 of 2016, 28217 of 2016,
28239 of 2016, 28240 of 2016,
28241 to 28252 of 2016,
28257 of 2016,
28261 to 28264 of 2016
and
28278 to 28300 of 2016

K.S.Eraman	.. Petitioner in WP.28186/16
K.Ramasamy	.. Petitioner in WP.28191/16
S.Thangaraj	.. Petitioner in WP.28195/16
M.Baskaran	.. Petitioner in WP.28208/16
K.M.Thangavelu	.. Petitioner in WP.28217/16
S.Dhanasekaran	.. Petitioner in WP.28239/16
V.Elumalai	.. Petitioner in WP.28240/16
S.Karuppaiah	.. Petitioner in WP.28241/16
S.Rajasekaran	.. Petitioner in WP.28242/16
K.Rajendran	.. Petitioner in WP.28243/16
K.Rajaram	.. Petitioner in WP.28244/16
R.Baskaran	.. Petitioner in WP.28245/16
R.Asaithambi	.. Petitioner in WP.28246/16
G.Ravi	.. Petitioner in WP.28247/16
V.Velusamy	.. Petitioner in WP.28248/16
S.Devadoss	.. Petitioner in WP.28249/16
S.Natarajan	.. Petitioner in WP.28250/16
D.Thangavel	.. Petitioner in WP.28251/16
J.Purushothaman	.. Petitioner in WP.28252/16
R.Palraj	.. Petitioner in WP.28257/16
V.Ramasamy	.. Petitioner in WP.28261/16
G.Dhanalakshmi	.. Petitioner in WP.28262/16
S.N.Perumalsamy	.. Petitioner in WP.28263/16
R.Sathyabama	.. Petitioner in WP.28264/16
R.Rathinasamy	.. Petitioner in WP.28278/16
M/chinnakannu	.. Petitioner in WP.28279/16
N.V.Rajan	.. Petitioner in WP.28280/16
C.K.Ramasamy	.. Petitioner in WP.28281/16
S.Aruldass	.. Petitioner in WP.28282/16
C.Krishnan	.. Petitioner in WP.28283/16
R.Rajagopal	.. Petitioner in WP.28284/16
K.K.Subramaniam	.. Petitioner in WP.28285/16
J.Andy	.. Petitioner in WP.28286/16

R.Vellingiri	.. Petitioner in WP.28287/16
R.Ezhikkial	.. Petitioner in WP.28288/16
N.Mahalingam	.. Petitioner in WP.28289/16
T.jayaram	.. Petitioner in WP.28290/16
M.Baladhandayutham	.. Petitioner in WP.28291/16
N.Krishnasamy	.. Petitioner in WP.28292/16
N.Balasubramani	.. Petitioner in WP.28293/16
V.Sengodan	.. Petitioner in WP.28294/14
K.Sarguru	.. Petitioner in WP.28295/16
G.A.Mani	.. Petitioner in WP.28296/16
K.Kuppusamy	.. Petitioner in WP.28297/16
A.Dhanaraj	.. Petitioner in WP.28298/16
K.Vadivel	.. Petitioner in WP.28299/16
A.Arumugam	.. Petitioner in WP.28300/16

Vs.

The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043. ..Respondent in WP.28186, 28217,
28257/16 in R1 28278 to 28300/16

The Managing Director
Tamilnadu Transport Corporation Ltd.,
Salem. ..Respondent in WP.28191/16, 28195/16

The Principal Secretary to Govt.,
Transport Department, Fort st.George,
Chennai. ..R1 in WP.28208/16

The Managing Director,
MTC, Chennai Ltd., Pallavan Salai,
Chennai. ..R2 in WP.28208/16

The Managing Director,
TNSTC, Villupuram Ltd., सत्यमेव जयते
Villupuram. ..R1 in WP.28239 & 240/16, 28241 to 252/16

The TNSTC (Villupuram) Ltd.,
Vellore Region,
Vellore. ..R2 in WP.28239 & 28240/16

The General Manager,
TNSTC (Villupuram) Ltd.,
Villupuram. ..R2 in WP.28241 to 28252/16

The Administrator,
TNSTC Employee Post Retirement Welfare fund Scheme,
Pallavan Salai, Chennai.2. ..R3 in WP.28241 to 28252/16

State Express Transport Corporation Ltd.,
rep by its Managing Director,
Pallavan Salai, Chennai. ..WP.Nos.28261 to 28264/16

The administrator
TNSTC Employee Pension Fund Trust,
Anna Salai, Chennai. ..R2 in wP.Nos.28278 to 28300/16

Prayer in Writ Petition No.28186 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, (i) directing the respondent to pay the petitioner the Gratuity amount of Rs.9,09,692/-, the leave surrender salary to the tune of Rs.3,03,221/- and leave surrender during service remaining unpaid Rs.59,400/- and any other benefits unpaid, together with compound interest at the rate of 15% from 31-10-2013 to till the date of disbursement.

WP.No.28191/16 & 28195/163:

Directing the respondent to consider and pass orders on the petitioners representation dated 26.05.2016 with regard to payment of retirement benefit within a stipulated time.

WP.No.28208/16:

Directing the 2nd respondent to disburse the retirement benefits viz. Earned Leave Surrender Salary amount of Rs.3,82,752/- Social Security Scheme Fund Rs.20 000/- total sum comes to Rs.4,02,752/- (Rupees Four Lakhs Two thousand seven hundred and fifty two only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.3.2016 as Assistant Engineer (Staff NO.TO8300) in the 2nd respondents office.

WP.no.28217/16:

Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 4 68 849/- + Leave Encashment (EL) sum of Rs. 48 165 = Totally sum of Rs.5,17,014/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.04.2013 to till the date of disbursement.

WP.No.28239 & 28240/16: Directing the respondents to disburse the payments relating to gratuity leave encashment EL + Old ML by calculating D.A.eligible and 2013 wage settlement effect as per newly implemented with interest at 12% per annum with effect from 01.08.2013 within the stipulated time.

WP.No.28241 to 28252/16: Directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrear Amount DA Arrears and others by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of Dearness Allowances also with interest at 12% per annum with effect from 1.5.2016, 1.5.16, 1.2.15, 1.2.15, 1.7.15, 1.5.14, 1.5.14, 1.7.15, 1.7.15, 1.7.15, 1.7.15, and 1.7.15 respectively.

WP.No.28257/16: Directing the respondents to settle the entire retirement benefits of the petitioner i.e. Leave encashment sum of Rs.2 00 430/- = Totally sum of Rs. 2 00 430/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.12.2010 to till the date of disbursement of the terminal benefits.

WP.No.28261/16: Directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Amount of Rs. 3 50 000/- Earned Leave and Medical Leave surrender amount of Rs. 3 75 000/- Social Security Scheme amount of Rs.30 000/- and Erode Engineering College Perundurai Medical College and Polytechnic deposit amount of Rs.5 000/- altogether a sum of Rs. 7 60 000/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 18.07.2016.

WP.No.28262/16: Directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Amount of Rs. 4,00,000/- Earned Leave and Medical Leave surrender amount of Rs.2,90,000/- Social Security Scheme amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic deposit amount of Rs.5 000/- Post Retirement Benefit fund amount of Rs.30,000/- and Leave on medical affairs amount of Rs.60,000/- Commutation amount of Rs. 3 00 000/- and Interest for belated payment of gratuity amount of Rs.37 000/- altogether a sum of Rs.11 52 000/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 01.08.2016.

WP.No.28263/16: Directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Amount of Rs. 10 25 000/- Earned Leave and Medical Leave surrender amount of Rs.7,15,000/- Employees Welfare Fund amount of Rs. 25 000/- and Erode Engineering College Perundurai Medical College and Polytechnic deposit amount of Rs.4 500/-altogether a sum of Rs.17 69 500/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 20.07.2016.

WP.No.28264/16: Directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Amount of Rs.3,40,000/- Earned Leave surrender amount of Rs. 2 40 000/- Social Security Scheme Rs. 30 000/- Erode Engineering College Perundurai Medical College and Polytechnic deposit will drawn amount Rs.4 500/- Post Retirement benefit Fund Scheme Rs.30 000/- Commutation Rs.2 03 000/- Interest on belated payment of gratuity amount Rs.25,500/- Settlement benefit arrears Rs.10,000/- altogether a sum of Rs.8 83 000/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 01.08.2016.

WP.No.28278/16: Directing the respondent to pay the petitioner Rs.4 77 733/- towards Gratuity Rs.55 586/- towards Leave Salary together with 18% interest per annum and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs. 2 37 066/- for the period from 31.12.2012 to 23.10.2013 at the rate of 18% interest within a time frame.

WP.No.28279/16: Directing the respondent to pay the petitioner Rs.3 89 314/- towards Gratuity Rs.76 303/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delay period from 31.1.2013 to 25.3.2013 in paying EPF Employees Contribution amount Rs. 2 74 905/- at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.2 01 507/- for the period from 31.1.2013 to 24.10.2013 at the rate of 18% interest p.a. within a time frame.

WP.No.28280/16: Directing the respondent to pay the petitioner Rs.5 08 555/- towards Gratuity and Rs.21 246/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delay period from 30.4.2013 to 29.6.2013 in paying EPF Employees Contribution amount Rs.2,00,296/- at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.2 48 418/- for the period from 30.4.2013 to 23.10.2013 at the rate of 18% interest p.a. within a time frame.

WP.No.28281/16: Directing the respondent to pay the petitioner Rs.3 83 987/- towards Gratuity Rs.3 09 170/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delay period from 31.3.2013 to 25.5.2013 in paying EPF Employees Contribution amount Rs.3,06,148/- at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.1 98 694/-

for the period from 31.3.2013 to 23.10.2013 at the rate of 18% interest p.a. within a time frame.

WP.No.28282/16: Directing the respondent to pay the petitioner Rs.6 78 743/- towards Gratuity and Rs.1 99 323/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delay period from 31.5.2013 to 6.8.2013 in paying EPF Employees Contribution amount Rs. 5 99 788/- at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.2 95 731/- for the period from 31.5.2013 to 23.10.2013 at the rate of 18% interest p.a. within a time frame.

WP.No.28283/16: Directing the respondent to pay the petitioner Rs.3 56 150/- towards Gratuity and Rs.1 42 315/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delay period from 31.5.2013 to 6.8.2013 in paying EPF Employees Contribution amount Rs.2 06 128/- at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.1 91 361/- for the period from 31.5.2013 to 26.10.2013 at the rate of 18% interest p.a. within a time frame.

WP.No.28284/16: Directing the respondent to pay the petitioner Rs.6 33 577/- towards Gratuity Rs.34 770/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.1.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1,42,329/- for the period from 31.1.2014 to 17.4.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 70 417/- towards the Pension Commutation amount and arrears of pension for the period from 1.2.2014 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. January 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28285/16: Directing the respondent to pay the petitioner Rs.6 07 325/- towards Gratuity Rs.50 995/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.1.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2 53 008/- towards the Pension Commutation amount and arrears of pension for the period from 1.2.2014 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. January 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28286/16: Directing the respondent to pay the petitioner Rs.4 93 558/- towards Gratuity Rs.31 280/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.1.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.81 257/- for the period from 31.1.2014 to 2.4.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 22 300/- towards the Pension Commutation amount and arrears of pension for the period from 1.2.2014 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. January 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28287/16: directing the respondent to pay the petitioner Rs.5 24 844/- towards Gratuity and arrears of salary for the period from 1.9.2013 to 28.2.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1 10 906/- for the period from 28.2.2014 to 18.6.2014 at the rate as per EPF Scheme 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 1.3.2014 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28288/16: Directing the respondent to pay the petitioner Rs.7 25 105/- towards Gratuity Rs.1 42 408/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.12.2013 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1,48,077/- for the period from 31.12.2013 to 17.3.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.3,16,424/- towards the Pension Commutation amount and arrears of pension for the period from

1.1.2014 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. December 2013 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28289/16: Directing the respondent to pay the petitioner Rs.3 97 546/- towards Gratuity and arrears of salary for the period from 1.9.2013 to 28.2.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.1 41 517/- 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28290/16: Directing the respondent to pay the petitioner Rs.5 46 577/- towards Gratuity Rs.73 195/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.3.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 94 860/- for the period from 31.3.2014 to 18.7.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,55,550/- 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA. (MD)No.1457/15 and etc., batch.

WP.No.28291/16: Directing the respondent to pay the petitioner Rs.6 32219/- towards Gratuity Rs.2 69 560/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 30.4.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1,74,688/- for the period from 30.4.2014 to 16.8.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 78 453/- towards the Pension Commutation amount and 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28292/16: Directing the respondent to pay the petitioner Rs.5 83 013/- towards Gratuity Rs.98 826/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.5.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.84,144/- for the period from 31.5.2014 to 16.9.2014 at the rate as per EPF Scheme 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28293/16: Directing the respondent to pay the petitioner Rs.8 09 792/- towards Gratuity Rs.63 919/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 30.6.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2,61,795/- for the period from 30.6.2014 to 13.10.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.3 26 369/- 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28294/16: Directing the respondent to pay the petitioner Rs.6 06 480/- towards Gratuity Rs.77 155/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.7.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.33,746/- for the period from 31.7.2014 to 19.11.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 65 696/- towards the Pension Commutation amount and arrears of pension for the period from 1.8.2014 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. July 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28295/16: Directing the respondent to pay the petitioner Rs.7 44 442/- towards Gratuity Rs.1 62 906/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.7.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1,95,520/- for the period from 31.7.2014 to 21.11.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.3 16 223/- towards the Pension Commutation amount and arrears of pension for the period from 1.8.2014 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. July 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28296/16: Directing the respondent to pay the petitioner Rs.5 32 825/- towards Gratuity Rs.89 992/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 30.9.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1,04,140/- for the period from 30.9.2014 to 20.1.2015 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 31 843/- towards the Pension Commutation amount and arrears of pension for the period from 1.10.2014 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. September 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28297/16: Directing the respondent to pay the petitioner Rs.5 87 735/- towards Gratuity Rs.1 39 232/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.10.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.3,76,843/-for the period from 31.10.2014 to 18.2.2015 at the

rate as per EPF Scheme and further directing the respondents to pay him Rs.2 56 354/- towards the Pension Commutation amount and arrears of pension for the period from 1.11.2014 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. October 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28298/16: Directing the respondent to pay the petitioner Rs.2 63 925/- towards Gratuity Rs.14 864/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 30.11.2014 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.1 58 804/- for the period from 30.11.2014 to 24.3.2015 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,16,126/- towards the Pension Commutation amount and arrears of pension for the period from 1.12.2014 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. November 2014 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28299/16: Directing the respondent to pay the petitioner Rs.7 15 252/- towards Gratuity Rs.36 422/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 31.11.2015 payable pursuant to new wage settlement dt 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.4,08,100/- for the period from 31.1.2015 to 22.7.2015 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 78 453/- towards the Pension Commutation amount and arrears of pension for the period from 1.2.2015 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. January 2015 by revising the same as per the settlement dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

WP.No.28300/16: Directing the respondent to pay the petitioner Rs.4 48 131/- towards Gratuity Rs.1 72 179/- towards Leave Salary and arrears of salary for the period from 1.9.2013 to 28.2.2015 payable pursuant to new wage settlement dt 13.4.2015

together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.5,59,322/-for the period from 28.2.2015 to 11.10.2015 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1 86 539/- 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 dt.13.4.15, as ordered by the Hon'ble Division Bench of this Court in its order dt.29.1.2016 in WA.(MD)No.1457/15 and etc., batch.

For Petitioner : Mr.G.Ponnambalathiyagarajan
in W.P.No.28186/2016

For Petitioner in
WP.28191, 28195/16 : Mr.Sundaravanan

For Petitioner in
WP.No.28208/16 : M.rD.Veerasekaran

For Petitioner in
WP.NO.28217,28257/16: Mr.R.Y.George Williams

For Petitioner in
WP.No.28239 & 240/16: Mr.C.Prabakaran

For Petitioner in
WP.No.28241 to 252/16: Mr.J.Pradeep

For Petitioner in
WP.28261 to 264/16 : Mr.D.Soundaraj

For Petitioner in
WP.28278 to 300/16 : Mr.V.Ajay Khose

For Respondents : Mr.S.Sairaman
in W.P.No.28186/2016, Standing Counsel
28257, 28278 to 300/16

For Respondent in
WP.28191, 28195/16 : Mr.P.Paramasivados

For Respondent in
WP.28208, 28217, 28239,
28240 to 28252/16,
28261 to 28264/16 : Mr.P.Kanna Kumar

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 Transport Corporation, 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 01.12.2016.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Managing Director
Tamilnadu State Transport
Corporation (Kovai) Limited
No.37, Mettupalayam Road
Coimbatore -641 043.

2.The Managing Director
Tamilnadu Transport Corporation Ltd.,
Salem.

3.The Principal Secretary to Govt.,
Transport Department, Fort st.George,
Chennai.

4.The Managing Director,
MTC, Chennai Ltd., Pallavan Salai,
Chennai.

5.The Managing Director,
TNSTC, Villupuram Ltd.,
Villupuram.

6.The TNSTC (Villupuram) Ltd.,
Vellore Region,
Vellore.

7.The General Manager,
TNSTC (Viilupuram) Ltd.,
Villupuram.

8.The Administrator,
TNSTC Employee Post Retirement Welfare fund Scheme,
Pallavan Salai, Chennai.2

9.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,Chennai.

10.The administrator
TNSTC Employee Pension Fund Trust,
Anna Salai, Chennai.

+4 cc's to Mr.D.Soundarraaj, advocate,sr.46157 to 46160

+1 cc to mr.V.Ajaykhose, advocate,sr.46203

+1 cc to Mr.D.Veerasekaran,advocate,sr.46270

+1 cc to Mr.G.Ponnambalathiyagarajan,advocate,sr.46371

+1 cc to Govt.Pleader,sr.46508.

+2 cc's to Mr.C.Prabakaran,advocate,sr.46656, 46657

+2 cc's to Mr.Sundaravadanan,advocate,sr.46704, 705

+1 cc to Mr.Paramasivados, advocate,sr.46760

+2 cc's to Mr.J.Pradeep, advocate,sr.46986, 428

+1 cc to Mr.R.Y.George Williams, advocate,sr.46162.

ksj(co)
krd 1/9

W.P.Nos. 28186 of 2016,
28191 of 2016, 28195 of 2016,
28208 of 2016, 28217 of 2016,
28239 of 2016, 28240 of 2016,
28241 to 28252 of 2016,
28257 of 2016,
28261 to 28264 of 2016
and
28278 to 28300 of 2016

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