

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.32905 to 32913 of 2016

S.Vijayakumar	... Petitioner in WP.32905 of 2016
R.Nagarajan	... Petitioner in WP.32906 of 2016
K.Paramasivam	... Petitioner in WP.32907 of 2016
P.Marimuthu	... Petitioner in WP.32908 of 2016
B.Kabaleeswaran	... Petitioner in WP.32909 of 2016
K.Kandasamy	... Petitioner in WP.32910 of 2016
M.Viswanathan	... Petitioner in WP.32911 of 2016
A.Balakrishnan	... Petitioner in WP.32912 of 2016
S.Vijayakumar	... Petitioner in WP.32913 of 2016

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Kovai) Limited,
Rep. By its Managing Director,
Coimbatore.
2. The Administrator
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 600 002. ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus,

W.P.No.32905 of 2016 : Directing the 1st respondents to pay the petitioner Rs.7,46,853/- towards Gratuity Rs.50,830/- towards Leave Salary and Arrears of Salary for the period from 01.09.13 to 31.12.13 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.01.14 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 dated 13.04.15, as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.32906 of 2016 : Directing the 1st respondents to pay the petitioner Rs.4,49,804/- towards Gratuity and Arrears of Salary for the period from 01.09.13 to 31.12.13 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,48,945/- for the period from 31.12.13 to 14.02.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,12,657/- towards the pension Commutation and Arrears of Pension for the period from 01.01.14 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 dated 13.04.15, as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.32907 of 2016 : Directing the 1st respondents to pay the petitioner Rs.5,09,785/- towards Gratuity, Rs.64,267/- towards Leave Salary and Arrears of Salary for the period from 01.09.13 to 31.03.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum and further directing the respondents to pay him Rs.1,93,246/- towards the pension commutation and Arrears of pension for the period from 01.04.14 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 13.04.15, as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc., batch.

W.P.No.32908 of 2016 : Directing the 1st respondents to pay the petitioner Rs.5,24,844/- towards Gratuity, Rs.49,459/- towards Leave salary and arrears of salary for the period from 01.09.13 to 31.12.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,81,886/- for the period from 31.03.14 to 18.07.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,36,364/- towards the pension Commutation and Arrears of Pension for the period from 01.04.14 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 13.04.15, as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc., batch.

W.P.No.32909 of 2016 : Directing the 1st respondents to pay the petitioner Rs.5,48,937/- towards Gratuity, Rs.20,998/- towards leave salary and Arrears of Salary for the period from 01.09.13 to 30.04.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,65,469/- for the period from 30.04.14 to 19.08.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,47,112/- towards the pension Commutation and Arrears of Pension for the period from 01.05.14 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 13.04.15, as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc., batch.

W.P.No.32910 of 2016 : Directing the 1st respondents to pay the petitioner Rs.8,77,113/- towards Gratuity, Rs.1,36,933/- towards Leave Salary and Arrears of Salary for the period from 01.09.13 to 30.09.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.10.14 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 dated 13.04.15 as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.32911 of 2016 : Directing the 1st respondents to pay the petitioner Rs.6,98,635/- towards Gratuity Rs.1,76,519/- towards Leave Salary and Arrears of Salary for the period from 01.09.13 to 30.09.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.10.14 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 dated 13.04.15 as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.32912 of 2016 : Directing the 1st respondents to pay the petitioner Rs.5,61,946/- towards Gratuity and Arrears of Salary for the period from 01.09.13 to 31.12.14 payable pursuant to new

wage settlement dated 13.04.15, together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4,80,176/- for the period from 31.12.14 to 06.04.15 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,27,624/- towards the pension Commutation and Arrears of Pension for the period from 01.01.15 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 13.04.15 as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A. (MD) No.1457/15 and etc., batch.

W.P.No.32913 of 2016 : Directing the 1st respondents to pay the petitioner Rs.5,99,435/- towards Gratuity, Rs.80,717/- towards leave salary and Arrears of Salary for the period from 01.09.13 to 31.01.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,53,521/- for the period from 31.01.15 to 13.07.15 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,45,002/- towards the pension Commutation and Arrears of Pension for the period from 01.02.15 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 dated 13.04.15 as ordered by the Honourable Division Bench of this court in its order dated 29.01.16 in W.A.(MD) No.1457/15 and etc., batch.

For Petitioners : Mr.V.AjoyKhose

For Respondents : Mr.P.Kannan Kumar

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, together with 18% interest per annum, after calculating all the terminal/pension benefits based on the monthly wages payable to the petitioners on the month of their retirement by revising the same as per the settlement dated 13.04.2015, as ordered by the Honourable Division Bench of this

court in its order dated 29.01.2016 in W.A.(MD) No.1457 of 2015 and etc., batch.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondents requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

5.The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made 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).

6.Following the said judgment, without going into the merits of the matter, the respondent is directed to disburse the aforementioned retiral benefits to the petitioner 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 1.12.2016.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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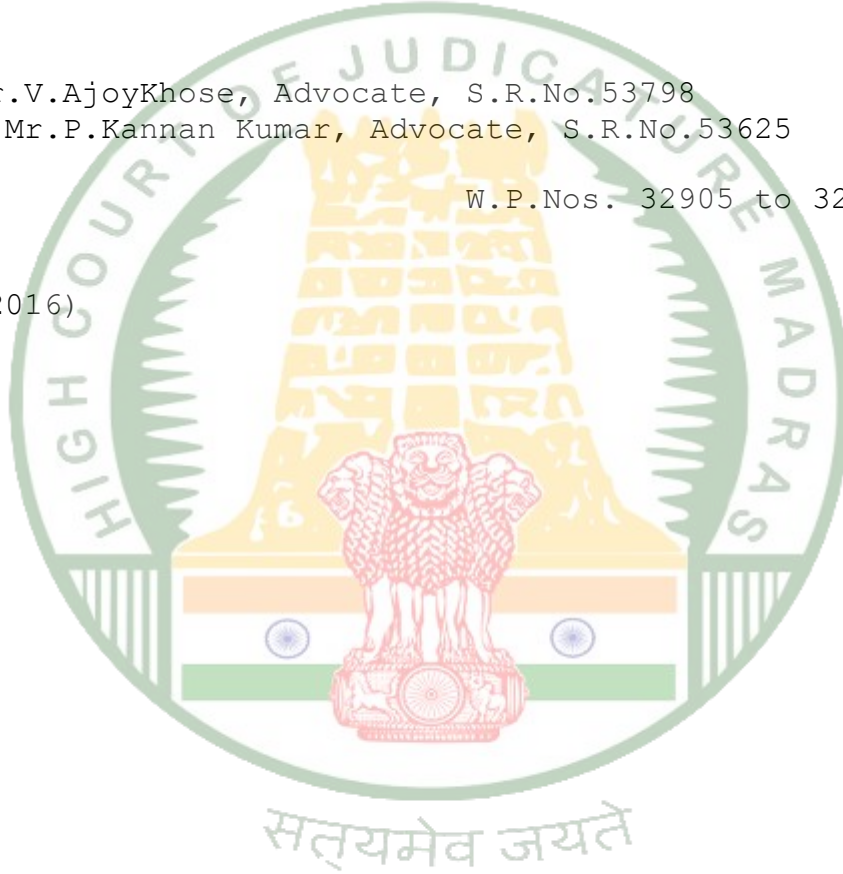
1. The Managing Director,
Management of Tamil Nadu State Transport
Corporation (Kovai) Limited,
Coimbatore.
2. The Administrator
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 600 002.

+1cc to Mr.V.AjoyKhose, Advocate, S.R.No.53798

+2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.53625

W.P.Nos. 32905 to 32913 of 2016

RV(CO)
CA(18/10/2016)



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