

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.34780 to 34793 of 2016

R.Rajamanickam	...	Petitioner in W.P.No.34780 of 2016
P.S.Rathinam	...	Petitioner in W.P.No.34781 of 2016
P.Anthony Joseph	...	Petitioner in W.P.No.34782 of 2016
S.Kandasamy	...	Petitioner in W.P.No.34783 of 2016
K.N.Karunakaran	...	Petitioner in W.P.No.34784 of 2016
K.Raju	...	Petitioner in W.P.No.34785 of 2016
P.Kalidas	...	Petitioner in W.P.No.34786 of 2016
V.Sudhevan	...	Petitioner in W.P.No.34787 of 2016
V.Patteeswaran	...	Petitioner in W.P.No.34788 of 2016
M.Johnson Selvakumar	...	Petitioner in W.P.No.34789 of 2016
A.Kandaswamy	...	Petitioner in W.P.No.34790 of 2016
V.Vidyashankar	...	Petitioner in W.P.No.34791 of 2016
J.Balasubramaniam	...	Petitioner in W.P.No.34792 of 2016
K.Palani samy	...	Petitioner in W.P.No.34791 of 2016

Vs.

The Tamil Nadu State Transport Corporation,
(Kovai) Ltd., rep by its
Managing Director, Coimbatore. ...Respondents in all WPs

Petition filed under Article 226 of the Constitution of India (i)to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.3,66,966/- towards Gratuity and Rs.3,978/- towards Leave Salary, together with 18% interest per annum within a time frame fixed by this Court in W.P.No.34780 of 2016.

ii) to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.2,50,134/- towards Gratuity and Rs.18,000/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court in W.P.No.34781 of 2016.

iii)to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.8,16,185/- towards Gratuity and Rs.7,320/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court in W.P.No.34782 of 2016.

iv) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,86,707/- towards Gratuity Rs.4,34,276/- towards Leave Salary and also arrears of wages 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 delayed payment of EPF Employees Contribution amount Rs.6,85,688/- for the period from 30.04.15 to 29.12.15 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court in W.P.No.34783 of 2016.

v) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.4,62,954/- towards Gratuity Rs.1,85,773/- towards E.P.F. Employees Contributions and also arrears of wages 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 in W.P.No.34784 of 2016.

vi) to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.6,76,398/- towards Gratuity Rs.3,46,153/- towards Leave salary and also arrears of wages 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 delayed payment of EPF Employees Contribution amount Rs.1,85,391/- for the period from 31.05.15 to 27.04.16 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court in W.P.No.34785 of 2016.

vii) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,09,719/- towards Gratuity Rs.12,30,183/- towards E.P.F. Employees Contributions Rs.3,51,867/- towards Leave salary and also arrears of wages 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 in W.P.No.34786 of 2016.

viii) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.8,56,208/- towards Gratuity Rs.2,29,598/- towards E.P.F. Employees Contributions Rs.70,328/- towards Leave salary and also arrears of wages 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 in W.P.No.34787 of 2016.

ix) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.9,44,012/- towards Gratuity Rs.5,21,806/- towards E.P.F. Employees Contributions Rs.18,468/- towards Leave salary and also arrears of wages 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 in W.p.No.34788 of 2016.

x) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,33,517/- towards Gratuity Rs.6,71,963/- towards E.P.F. Employees Contributions Rs.3,46,345/- towards Leave salary and also arrears of wages 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 in W.P.No.34789 of 2016.

xi) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.4,78,994/- towards Gratuity Rs.4,99,693/- towards E.P.F. Employees Contributions Rs.65,823/- towards Leave salary and also arrears of wages 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 in W.P.No.34790 of 2016.

xii) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,33,517/- towards Gratuity Rs.3,12,035/- towards E.P.F. Employees Contributions Rs.7,057/- towards Leave salary and also arrears of wages 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 in W.P. No. 34791 of 2016.

xiii) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.9,19,780/- towards Gratuity Rs.18,67,734/- towards E.P.F. Employees Contributions Rs.6,66,690/- towards Leave salary and also arrears of wages 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 in W.P.No.34792 of 2016.

xiii) to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.6,33,790/- towards Gratuity Rs.5,51,754/- towards E.P.F. Employees Contributions Rs.82,431/- towards Leave salary and also arrears of wages 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 in W.P.No.34793 of 2016.

For Petitioner in all W.Ps : Mr.V.Ajoykhose

For Respondent in all W.Ps : Mr.Sairaman

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, with interest, within the time that may be stipulated by this Court.

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(CS IV)

//True Copy//

Sub Assistant Registrar

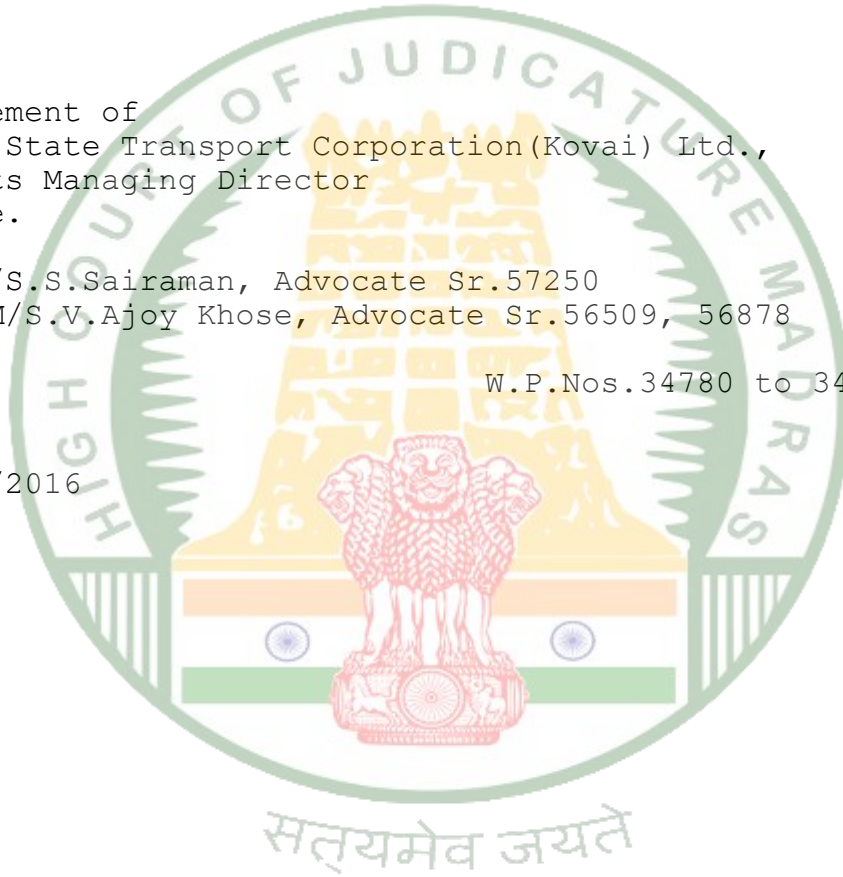
To

The Management of
Tamilnadu State Transport Corporation(Kovai) Ltd.,
Rep. by its Managing Director
Coimbatore.

+1cc to M/S.S.Sairaman, Advocate Sr.57250
+15cc to M/S.V.Ajoy Khose, Advocate Sr.56509, 56878

W.P.Nos.34780 to 34793 of 2016

ppa[col]
srg 12/11/2016



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