

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36298 to 36313 of 2016

1 R.JAGANATHAN ... PETITIONER in WP No.36298 of 2016
1 M.ESWARAMURTHY ... PETITIONER in WP No.36299 of 2016
1 K.RAJENDRAN ... PETITIONER in WP No.36300 of 2016
1 V.R.PALANISAMY ... PETITIONER in WP No.36301 of 2016
1 A.VELUSAMY ... PETITIONER in WP No.36302 of 2016
1 M.RAJAMBAL ... PETITIONER in WP No.36303 of 2016
1 C.N.CHIDAMBARAM ... PETITIONER in WP No.36304 of 2016
1 M.SELVARAJU ... PETITIONER in WP No.36305 of 2016
1 R.VETRIVEL ... PETITIONER in WP No.36306 of 2016
1 S.P.RAJU ... PETITIONER in WP No.36307 of 2016
1 M.KUMAR
S/O.MALLA GOUNDER ... PETITIONER in WP No.36308 of 2016
1 K.MANI ... PETITIONER in WP No.36309 of 2016
1 K.MOHAN ... PETITIONER in WP No.36310 of 2016
1 A.PONNUSAMY ... PETITIONER in WP No.36311 of 2016
1 R.SUBRAMANIAN ... PETITIONER in WP No.36312 of 2016
1 A.NARAYANAN ... PETITIONER in WP No.36313 of 2016
1 VS
1 TAMIL NADU STATE TRANSPORT
CORPORATION (COIMBATORE) LTD ERODE REGION
REP. BY ITS GENERAL MANAGER 45 CHENNIMALAI
ROAD ERODE-638 001.
... RESPONDENT in WP No.36298,36299,36300,36301,36302,
36303, of 2016

1 TAMIL NADU STATE TRANSPORT
CORPORATION (COIMBATORE) LTD ERODE REGION
REP. BY ITS GENERAL MANAGER 45 CHENNIMALAI
ROAD ERODE-638 001.

2 TAMIL NADU STATE TRANSPORT
CORPORATION EMPLOYEES PENSION FUND TRUST
REP. BY ITS ADMINISTRATOR THIRUVALLUR ILLAM
PALLAVAN SALAI CHENNAI-2.

... RESPONDENT in WP No.36304,36305,36306,36307,
36308,36309,36310,36311,36312,36313 of 2016

These Writ Petitions are filed Under Article 226 of the
Constitution of India to issue a Writ of Mandamus

WP No.36298 of 2016

Directing the respondent to pay the petitioner a sum of
Rs.3,09,994/- towards Earned Leave salary for 230 days; to pay
him interest for the belated payment of the Gratuity amount of
Rs.7,80,000/- for 34 months from 1.7.2011 to 31.12.2013 and to
pay monthly pension payable under the Post Retirement Scheme,
with arrears, together with interest at the rate of 12% per
annum for all the above benefits, award costs.

WP No.36299 of 2016

Directing the respondent to pay the petitioner a sum of
Rs.2,90,445/- towards Gratuity; a sum of Rs.1,716/- towards
Arrears of difference in Dearness Allowance; to pay him a sum of
Rs.91,896/- towards Earned Leave salary, Medical Leave salary
and Earned Leave salary surrendered prior to his retirement and
to pay the petitioner monthly pension payable to him under the
Post Retirement Scheme, with arrears, together with interest at
the rate of 12% per annum for all the above benefits, award
costs.

WP No.36300 of 2016

Directing the respondent to pay the petitioner a sum of
Rs.4,55,843/- towards Gratuity; a sum of Rs.4,532/- towards
Arrears of difference in Dearness Allowance for 4 months; a sum
of Rs.8,716/- towards Earned Leave salary for 10 days; to pay
the petitioner monthly pension payable to him under the Post
Retirement Scheme, with arrears and also to pay him interest on
belated payment of Provident Fund and commuted value of pension,
together with interest at the rate of 12% per annum for all the
above benefits, award costs.

WP No.36301 of 2016

Directing the respondent to pay the petitioner a sum of Rs.5,25,519/- towards Gratuity; to pay him a sum of Rs.53,869/- towards Earned Leave Salary, Medical Leave Salary and the Earned Leave already surrendered prior to his retirement; to pay him interest for the P.F. amount of Rs.1,72,685/- for 70 days; to pay the petitioner a sum of Rs.7,362/-towards difference in D.A. payable to him prior to his retirement and all other terminal benefits, together with interest at the rate of 12% per annum for all the above benefits, award costs

WP No.36302 of 2016

Directing the respondent to pay the petitioner a sum of Rs.6,01,898/- towards Gratuity; a sum of Rs.3,720/- towards Arrears of difference in Dearness Allowance; to pay the petitioner monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears and also to pay the petitioner interest for the belated payment of Provident Fund and commuted value of pension, together with interest at the rate of 12% per annum for all the above benefits, award costs.

WP No.36303 of 2016

Directing the respondent to pay the petitioner interest for the Gratuity Amount of Rs.4,41,779/- for the period from the date of his husbands retirement to the date of actual payment; to pay sum of Rs.10,514/- towards Earned Leave salary for 12 days; to pay her a sum of Rs.4,156/- towards arrears of difference in Dearness Allowance and to pay her the other terminal benefits payable to her husband, together interest at the rate of 12% per annum for all the above benefits, award costs.

WP No.36304 of 2016

Directing the respondent to pay the petitioner a sum of Rs.4,06,495/- towards Gratuity; a sum of Rs.5,590/- towards arrears of difference in Dearness Allowance for the period 2015-2016; a sum of Rs.55,085/- towards Earned Leave salary for 20 days which stood to his credit as on the date of his retirement and Earned Leave Salary for 45 days which he has surrendered prior to his retirement; to pay the petitioner monthly pension payable to him under the Post Retirement Scheme, with arrears; to pay him interest for the belated payment of Provident Fund; to pay the petitioner interest for the belated payment of the computation amount of Rs.2,10,648/- and the gift amount for accident free service for the year 2012-2013 together with interest at the rate of 12% p.a for all the above benefits.

WP No.36305 of 2016

Directing the respondent to pay the petitioner a sum of Rs.4,84,800/- towards Gratuity; a sum of Rs.14,200/- towards arrears of difference in Wages and Dearness Allowance for the period 1.9.2013 to 31.1.2014 a sum of Rs.3,43,930/- towards Earned Leave Salary for 240 days, Earned Leave Salary for 45 days which was already surrendered prior to his retirement and Medical Leave Salary for 31 days which stood to his credit prior to 1998; to pay him monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears; to pay him interest for the belated payment of Provident Fund; to pay him revised pension based on the salary payable to the petitioner as per the Settlement dated 13.4.2015 at the rate of Rs.7003/- per month, with corresponding increase in dearness allowance and arrears of difference in pension, together with interest at the rate of 12% p.a for all the above benefits.

WP No.36306 of 2016

Directing the respondent to pay the petitioner a sum of Rs.3,54,360/- towards Gratuity; to pay him a sum of Rs.1,53,025/- towards earned leave salary, medical leave salary and the earned leave already surrendered prior to his retirement; to pay him interest for the belated payment of the commuted value of pension of Rs.1,91,662/- for 396 days; to pay him interest for the P.F. amount of Rs.1,73,516/- for 51 days; to pay the petitioner a sum of Rs.2,883/- towards difference in D.A. payable to him prior to his retirement; to pay the petitioner the revised dearness allowance for his monthly pension payable to the petitioner under the TNSTCE Pension Scheme from July 2015 as revised from time to time with arrears and to pay the petitioner monthly pension payable to him Under the post Retirement Scheme from May 2016, with arrears together with interest at the rate of 12% p.a for all the above benefits.

WP No.36307 of 2016

Directing the respondent to pay the petitioner a sum of Rs.4,78,008/- towards Gratuity; a sum of Rs.22,098/- towards arrears of difference in Wages and Dearness Allowance for the period 1.9.2013 to 31.8.2014 a sum of Rs.17,647/- towards Earned Leave Salary for 15 1/2 days; to pay monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears; to pay interest for the belated payment of Provident Fund; to pay revised pension based on the salary payable to the petitioner as per the Settlement dated 13.4.2015 at the rate of Rs.11,686/- per month, with the corresponding increase in dearness allowance and arrears of difference in pension,

together with interest at the rate of 12% p.a for all the above benefits.

WP No.36308 of 2016

Directing the respondent to pay the petitioner a sum of Rs.4,68,398/- towards Gratuity; a sum of Rs.21,204/- towards arrears of difference in Wages and Dearness Allowance for the period from 1.9.2013 to 31.5.2014 a sum of Rs.3,541/- towards Earned Leave Salary for 3 1/2 days to pay monthly pension payable to the petitioner under the post Retirement Scheme, with arrears to pay interest for the belated payment of Rs.3,03,571/- paid towards Provident Fund; to pay revised pension based on the salary payable to 14 Petitioner as per the Settlement dated 13.4.2015 at the rate of Rs.11,376/- per month, with the corresponding increase in dearness allowance and arrears of difference in pension, and to pay the petitioner a sum of Rs.2,38,489/- towards commute Value of Pension after adjusting amounts already paid to the Petitioner together with interest at the rate of 12% p.a for all the above benefits.

WP No.36309 of 2016

Directing the respondents to pay the petitioner interest for 1041 days of delay for the belated payment of the gratuity amount of Rs.3,03,548, to pay interest for 26 days for the belated payment of P.F. amount of 2,46,353 to pay interest for 488 days for the belated payment of the commutation amount of Rs.1,78,001, to pay a sum of Rs.1,03,067 towards earned leave salary, medical leave salary and earned leave salary for 45 days which the petitioner already surrendered prior to retirement and other terminal benefits, together with interest at the rate of 12% per annum for all the above benefits, award costs.

WP No.36310 of 2016

Directing the respondent to pay the petitioner a sum of Rs.3,48,404/- towards Gratuity; a sum of Rs.18,896/- towards arrears of difference in Wages and Dearness Allowance for the period from 1.9.2013 to 31.3.2014 a sum of Rs.1,82,065/- towards Earned Leave Salary for 168 days and medical leave salary for 27 days which stood to credit of the petitioner before 1998 to pay salary for 45 days of earned leave salary which the petitioner has surrendered prior to his retirement, to pay him monthly pension payable to the petitioner under the post Retirement Scheme, with arrears from May 2016 to pay interest for the belated payment of Provident Fund amount of Rs.3,04,764 to pay revised pension based on the salary payable to the petitioner as per the settlement dated 13.04.2015 at the rate of Rs.8,489/- per month, with the corresponding increase in dearness allowances and arrears of difference in pension, and to

pay to the petitioner the balance amount of commuted value of pension after adjusting the amounts already paid to the petitioner in installments, together with interest at the rate of 12% p.a for all the above benefits, award costs.

WP No.36311 of 2016

Directing the respondents to pay the petitioner a sum of Rs. 4,14,268/- towards gratuity, to pay a sum of Rs.3,15,009/- towards earned leave salary, medical leave salary and the earned leave already surrendered prior to the petitioner retirement, to pay interest for the belated payment of the commuted value of pension of Rs.2,15,000/- for 90 days, to pay interest for the P.F. Amount of Rs.7,09,000/- for 97 days, to pay a sum of Rs. 1,428/- towards difference in D.A Payable to the petitioner prior to his retirement and to pay the other terminal benefits, together with interest at the rate of 12% per annum for all the above benefits, award costs.

WP No.36312 of 2016

Directing the respondents to pay the petitioner a sum of Rs. 1,31,796/- towards earned leave salary for 123 days which stood to his credit as on the date of retirement and medical leave salary for 36.5 days which stood to the petitioner's credit before August 1998, to pay interest for the belated payment of the commuted value of pension of Rs.2,42,592/- for 16 months and to pay the petitioner monthly pension payable under the Post Retirement Scheme from the date of retirement, of the petitioner with arrears, after adjusting the amount already paid, together with interest at the rate of 12% per annum for all the above benefits, award costs.

WP No.36313 of 2016

Directing the respondents to pay the petitioner a sum of Rs. 3,25,122/- towards gratuity, a sum of Rs.95,356/- towards earned leave salary for 135 days, to pay earned leave salary for 45 days which the petitioner has surrendered prior to retirement, to pay monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears, to pay the petitioner interest for the belated payment of provident fund, to pay the petitioner revised pension and commuted value of pension under the TNSTCE Pension Scheme, by counting the entire service from the date of the initial appointment as Driver till the date of the petitioner superannuation, with the corresponding increase in dearness allowance and arrears of difference in dearness allowance payable along with the monthly pension Under TNSTCE Pension Scheme for the period from 1.07.2015 to 30.06.2016, together with interest at the rate of 12%p.a for all the above benefits and award costs.

For Petitioners: Mr.R.Krishnaswamy
(in all WPs)
For Respondents: Mr.S.Sairaman
(in all WPs)

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 respondent to settle the retirement benefits, due to the petitioners, together with interest at the rate of 12% per annum for the benefits.

3.The petitioners are the retired employees and legal heir of the retired employee of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondent 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 takes notice for the respondent.

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 01.01.2017.

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

Sd/-
Assistant Registrar(CS V)

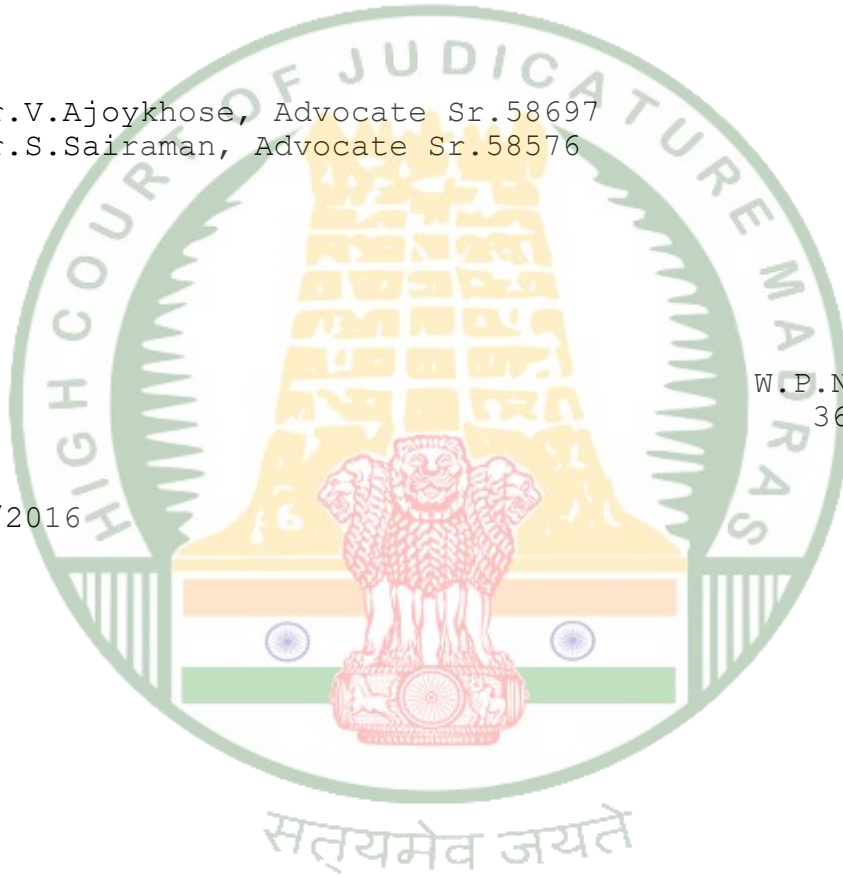
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Sub Assistant Registrar

+1cc to Mr.V.Ajoykhose, Advocate Sr.58697
+1cc to Mr.S.Sairaman, Advocate Sr.58576

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srg 24/10/2016

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