

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36437 to 36447 of 2016

S.Jayaraman	... Petitioner in W.P.No.36437/2016
B.Thamburaj	... Petitioner in W.P.No.36438/2016
M.Sadhusundara singh	... Petitioner in W.P.No.36439/2016
D.Sudakar	... Petitioner in W.P.No.36440/2016
M.Palaniyappan	... Petitioner in W.P.No.36441/2016
P.Narasimman	... Petitioner in W.P.No.36442/2016
P.Thangavelu	... Petitioner in W.P.No.36443/2016
K.Sivasubramanian	... Petitioner in W.P.No.36444/2016
B.Loganathan	... Petitioner in W.P.No.36445/2016
P.Gopalan	... Petitioner in W.P.No.36446/2016
A.P.Balasubramaniam	... Petitioner in W.P.No.36447/2016

Vs.

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

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.1,54,179/- towards leave salary, Rs.73,687/- towards balance of gratuity, together with 18% interest per annum, along with interest amount towards delayed payment of part of gratuity amount of Rs.4,96,298/- for the period from 30.11.11 to 06.11.13 and further directing the 1st and 2nd respondents to pay him arrears of pension payable for the period from December 2011 to April 2015, due to revision of his pension based on the monthly wages payable to him on the month of his retirement i.e., November 2011 as per the settlement together with interest, along with interest amount towards delayed payment of pension commutation Rs.2,46,409/- for the

period from 01.12.11 to 30.12.13 at the rate of 18% p.a., within a time frame.

WP.No.36437 of 2016:Directing the 1st respondents to pay the petitioner Rs.1 54 179/- towards Leave Salary Rs.73 687/- towards balance of Gratuity together with 18% interest per annum along with interest amount towards delayed payment of part of the gratuity amount Rs.4 96 298/- for the period from 30.11.11 to 6.11.2013 and further directing the 1st & 2nd respondents to pay him arrears of pension payable for the period from December 2011 to April 2015 due to revision of his pension based on the monthly wages payable to him on the month of his retirement i.e. November 2011 as per the settlement together with interest along with interest amount towards delayed payment of Pension Commutation Rs.2 46 409/- for the period from.

WP.No.36438 of 2016:Directing the 1st respondents to pay the petitioner Rs.4 56 148/- towards Gratuity and Rs.1 10 455/- towards Leave Salary together with 18% interest per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension Commutation Rs.2 40 482/- for the period from 1.1.13 to 24.10.13 at the rate of 18% p.a. within a time frame as may be fixed by this Honourable court

WP.NO.36439 of 2016

Directing the 1st respondents to pay the petitioner Rs.5 58 958/- towards Gratuity and Rs.10 300/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1 65 828/- for the period from 30.4.15 to 11.1.16 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 36 364/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36440 of 2016:Directing the 1st respondents to pay the petitioner Rs.5 24 208/- towards Gratuity and Rs.1 93 623/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4 77 459/- for the period from 30.4.15 to 27.1.16 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 29 533/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.No.36441 of 2016:

Directing the 1st respondents to pay the petitioner Rs.7 15 290/- towards Gratuity Rs.2 26 354/- towards EPF Employees Contributions and Rs.1 20 275/- towards Leave Salary together with 18% interest per annum and further directing the respondent to pay him Rs.2 89 870/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36442/2016:Directing the 1st respondents to pay the petitioner Rs.5 94 950/- towards Gratuity Rs.1 71 727/- towards EPF Employees Contributions and Rs.20 129/- towards Leave Salary together with 18% interest per annum and further directing the respondent to pay him Rs.2 22 803/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36443/2016:Directing the 1st respondents to pay the petitioner Rs.6 16 310/- towards Gratuity Rs.2 68 690/- towards EPF Employees Contributions and Rs.1 48 752/- towards Leave Salary together with 18% interest per annum and further directing the respondent to pay him Rs.2 63 112/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36444/2016:Directing the 1st respondents to pay the petitioner Rs.5 80 500/- towards Gratuity and Rs.5 730/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 30 738/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36445/2016:Directing the 1st respondents to pay the petitioner Rs.8 49 651/- towards Gratuity Rs.2 96 035/- towards E.P.F. Employees Contributions and Rs.54 489/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 88 398/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36446/2016:Directing the 1st respondents to pay the petitioner Rs.6 03 245/- towards Gratuity Rs.2 64 122/- towards E.P.F. Employees Contributions and Rs.8 111/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 50 427/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

WP.NO.36447/2016:Directing the 1st respondents to pay the petitioner Rs.6 74 035/- towards Gratuity Rs.3 45 945/- towards E.P.F. Employees Contributions and Rs.5 174/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 80 462/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable court

For Petitioner in all W.Ps : Mr.V.Ajoy Khose

For Respondents in all W.Ps : 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, 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 takes 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 respondents are 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Rep. By its Managing Director,
Erode Region,
Erode.
2. The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 600 002.

+3 ccs to P.Kannankumar Advocate sr 59558

+1 cc to V.Ajoy khose Advocate sr 59109

W.P.Nos.36437 to 36447 of 2016

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