

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37402 to 37416 of 2016

C.Duraisamy	... Petitioner in W.P.No.37402 of 2016
S. Chelladurai	... Petitioner in W.P.No.37403 of 2016
T.K. Subramaniam	... Petitioner in W.P.No.37404 of 2016
K. Jeyaraj	... Petitioner in W.P.No.37405 of 2016
M. Chandrasekaran	... Petitioner in W.P.No.37406 of 2016
M. Thambidurai	... Petitioner in W.P.No.37407 of 2016
R. Sattanathan	... Petitioner in W.P.No.37408 of 2016
R. Krishnamoorthy	... Petitioner in W.P.No.37409 of 2016
N. Krishnan	... Petitioner in W.P.No.37410 of 2016
S. Panneer Selvam	... Petitioner in W.P.No.37411 of 2016
K. Nachimuthu	... Petitioner in W.P.No.37412 of 2016
P.N. Jayachandran	... Petitioner in W.P.No.37413 of 2016
S. Nalayani	... Petitioner in W.P.No.37414 of 2016
M. Vijayachandran	... Petitioner in W.P.No.37415 of 2016
G. Sampathkumar	... Petitioner in W.P.No.37416 of 2016

vs.

- 1 The Management of
Tamilnadu State Transport Corporation
(Kovai) Ltd Rep by its Managing Director
Erode Region Erode in all WPs
- 2 The Administrator
Tamil Nadu State Transport Employees Pension
Fund Trust Thiruvalluvar Illam Anna Salai
Chennai-2.
... Respondents

Writ petition No.37402 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st respondents to pay the petitioner Rs.31,890/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees' Contribution amount Rs.5,20,545/- for the period from 31.01.14 to 17.04.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,99,196/- towards the Pension Commutation and arrears of pension for the period from 01.02.14 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 ie. January 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Division Bench of this Court in its order dated 29.1.2016 in W.A. (MD) No.1457/15, etc. batch.

W.P.No.37403 of 2016:- Directing the 1st respondents to pay the petitioner Rs.5 64 796/- towards Gratuity and Rs.2 04 435/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 62 565/- for the period from 31.03.14 to 21.07.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 73 129/- towards 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 ie. 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 29.1.2016 in W.A(MD) No.1457/15 and etc batch

W.P.No.37404 of 2016 Directing the 1st respondents to pay the petitioner Rs.5 57 954/- towards Gratuity and Rs.1 27 596/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 60 271/- towards 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 ie. March 2014 by revising the same as per the settlement dated 13.04.15 as ordered by teh Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A (MD)No.1457/15 and etc batch

W.P.No.37405 of 2016 Directing the 1st respondents to pay the petitioner Rs.6 56,308/- towards Gratuity and Rs.1 61 218/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 64 490/- 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 ie. April 2014 by revising the same as per the settlement dated 13.04.15 as ordered by teh Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A (MD)No.1457/15 and etc batch .

W.P.No.37406 of 2016 Directing the 1st respondents to pay the petitioner Rs.5 77 315/- towards Gratuity and Rs.3 13 028/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1 76 426/- for the period from 31.05.14 to 15.09.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 61 175/- towards the pension commutation and arrears of pension for the period from 01.06.14 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 ie. May 2014 by revising the same as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37407 of 2016 Directing the 1st respondents to pay the petitioner Rs.4 52 100/- towards Gratuity and Rs.48 551/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.3 21 639/- for the period from 31.05.14 to 18.09.14 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.06.14 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 ie. May 2014 by revising the same as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37408 of 2016 Directing the 1st respondents to pay the petitioner Rs.3 58 812/- towards Gratuity and Rs.2 48 230/- towards leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 02 917/- for the period from 31.05.14 to 18.09.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1 73 581/- towards the pension Commutation and arrears of pension for the period from 01.06.14 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 ie. May 2014 by revising the same as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37409 of 2016 Directing the 1st respondents to pay the petitioner Rs.6 83 100/- towards Gratuity together with 18% interest per annum and further directing the respondents to pay him Rs.2 75 339/- towards the Pension Commutation and arrears of pension for the period from 01.07.14 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 ie. June 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 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37410 of 2016 Directing the 1st respondents to pay the petitioner Rs.6 52 212/- towards Gratuity and Rs. 3 24 996/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.7 76 942/- for the period from 30.06.14 to 07.10.14 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.07.14 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 ie. June 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 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37411 of 2016 Directing the 1st respondents to pay the petitioner Rs.4 30 825/- towards Gratuity and Rs. 2 775/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 01 306/- towards the Pension Commutation and arrears of pension for the period from 01.09.14 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 ie. August 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.37412 of 2016 Directing the 1st respondents to pay the petitioner Rs.4 30 825/-towards Gratuity and Rs. 1 89 501/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4 10 284/- for the period from 30.09.14 to 24.01.15 at the rate as per EPF Scheme and further

directing the respondents to pay him arrears of pension for the period from 01.10.14 by revision 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 ie. September 2014 by revising the same as per the settlement dated 13.04.15 as ordered as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37413 of 2016 Directing the 1st respondents to pay the petitioner Rs.4 25 876/- towards Gratuity and Rs. 1 68 665/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 65 000/- for the period from 31.10.14 to 20.02.15 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.11.14 by revision 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 ie. October 2014 by revising the same as per the settlement dated 13.04.15 as ordered by as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37414 of 2016 Directing the 1st respondents to pay the petitioner Rs.2 91 617/- towards Gratuity and Rs. 39 408/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1 25 863/- for the period from 28.02.14 to 03.06.14 at the rate as per EPF Scheme and further directing the respondents to pay her Rs.1 00 753/- towards the Pension Commutation and arrears of Pension for the period from 01.03.14 by revising her pension together with 18% interest per annum after calculating all her terminal / pension benefits based on the monthly wages payable to her on the month of her retirement ie. February 2014 by revising the same as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37415 of 2016 Directing the 1st respondents to pay the petitioner Rs.5 42 977/- towards Gratuity and Rs. 30 296/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 93 077/- for the period from 31.05.14 to 26.09.14 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 37 167/- towards the Pension Commutation and arrears of Pension for the period from

01.06.14 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 ie. May 2014 by revising the same as per as ordered by the Honourable Division Bench of this Court in its order dated 29.1.2016 in W.A(MD)No.1457/15 and etc batch .

W.P.No.37416 of 2016 Directing the 1st respondents to pay the petitioner Rs.5 97 237/- towards Gratuity and Rs. 19 869/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 62 582/- towards the Pension Commutation and arrears of Pension for the period from 01.07.14 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 ie. June 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

For Petitioner : Mr.C.Ajoykhose,
in all the writ petitions

For Respondents : Mr.S.Sairaman,
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

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 have been filed.

3. I have heard the learned counsel appearing for the petitioners and the learned counsel, who has taken notice on behalf of the respondents.

4. 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).

5. Following the said judgment, without going into the merits of the matter, the respondents 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 1.1.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

sbi

To

- 1 The Managing Director
Tamilnadu 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-2.

- 1 cc to Mr.V. Ajoy Khose, Advocate, Sr. 61192
1 cc to Mr.S.Sairaman, Advocate, Sr. 61525

W.P.Nos.37402 to
37416 of 2016

RV (CO)
kk 15/11