

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.39381 to 39391 of 2016

S.Anbazhagan CIFIC 0501	..Petitioner in W.P.No.39381/2016
P. Raju	..Petitioner in W.P.No.39382/2016
K. Jaganathan	..Petitioner in W.P.No.39383/2016
N. Anbalagan	..Petitioner in W.P.No.39384/2016
N. Krishnan	..Petitioner in W.P.No.39385/2016
M. Rajendran	..Petitioner in W.P.No.39386/2016
K.R. Natarajan	..Petitioner in W.P.No.39387/2016
K. Perumal	..Petitioner in W.P.No.39388/2016
P. Ganesan	..Petitioner in W.P.No.39389/2016
N. Bhoopathy	..Petitioner in W.P.No.39390/2016
M. Periasamy	..Petitioner in W.P.No.39391/2016

Vs.

- 1 Tamil Nadu State Transport Corporation
(Salem) Ltd. Rep. by its Managing
Director, 12, Ramakrishna Road
Salem.
- 2 The Administrator
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

... Respondents all Writ Petitions

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

W.P.No.39381 of 2016:

directing the Respondents to pay the petitioner a sum of Rs.8,67,488/- towards gratuity; a sum of Rs.76,172/- towards earned leave salary for 49.5 days; a sum of Rs.3,03,042/- towards commutation value of pension; a sum of Rs.4,24,716/- towards PF; a sum of Rs.10,417/- towards VRS compensation amount; the amount payable under the Social Security Scheme; the monthly pension payable under the Post Retirement Benefit Scheme, together with interest at the rate of 12% per annum for all the above benefits and to revise his pay in the scale of pay of Rs.9,300-34,800 and the grade pay of Rs.4,300/- from the date

of completion of 32 years of service, with arrears to revise all the petitioner service and terminal benefits already paid and to be paid, based on such revision of pay.

W.P.No.39382 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.6,26,032/- towards gratuity; a sum of Rs.9 569/- towards earned leave salary for 7.5 days; a sum of Rs.2 73 121/- towards PF; the amount payable under the Social Security Scheme; the monthly pension payable under the Post Retirement Benefit Scheme from 1.6.2016 with arrears and to pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits award costs;

W.P.No.39383 of 2016 Directing the Respondents to pay the petitioner a sum of Rs.2,70,706/- towards gratuity; a sum of Rs.82,825/- towards earned leave salary for 107.5 days; interest for the P.F. amount of Rs.2 88 854/- for 65 days; interest for the commuted value of pension of Rs.76 152/- for 826 days; 5.5% wage increase from 1.9.2013 to 30.11.2013 as per the settlement dt.13.04.2015; revised terminal benefits based on the increased salary payable to him on the date of retirement as per the settlement dt.13.4.2015 pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears and to pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above.

W.P.No.39384 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.4,54,010/- towards gratuity; a sum of Rs.3,22,155/- towards P.F. amount the amount to be paid under Social Security Scheme and the monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears and interest and to pay him and to pay the petitioner all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay me interest for the belated payment of terminal benefits which were already paid to him award costs

W.P.No.39385 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.5,40,322/- towards gratuity; a sum of Rs.64,768/- towards earned leave salary for 64 days and all other terminal benefits and service benefits including the monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears; together with interest at the rate of 12% per annum for all the above benefits and also to pay him interest for the belated payment of terminal benefits which were already paid to him and to revise his pay in the scale of pay of Rs.9 300-34 800 and the grade pay of Rs.4 300/- from the date of completion of 32 years of service with arrears and to revise all his service and terminal benefits already ..

W.P.No.39386 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.10,58,259/- towards gratuity; a sum of Rs.4,68,657/- towards earned leave salary for 259.5 days; a sum of Rs.3 78 272/- towards commutation value of pension; a sum of Rs.5 94 411/- towards P.F.; the amount payable under Social Security Scheme; the monthly pension payable under the Post Retirement Benefit Scheme from 1.9.2016 with arrears and to pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay the petitioner interest for the belated payment of terminal benefits which were already paid to him award costs

W.P.No.39387 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.6,31,220/- towards gratuity; a sum of Rs.1,64,880/- towards earned leave salary for 144 days; the monthly pension payable under the Post Retirement Benefit June 2016 with arrears and to pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay me interest for the belated payment of terminal benefits which were already paid to him award costs;

W.P.No.39388 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.7,89,550/- towards gratuity; a sum of Rs.1,66,233/- towards earned leave salary for 122.5 days; interest for 476 days for a sum of Rs.3,10,200/- which was paid towards commutation value of pension; 5.5% wage increase as per the settlement dt.13.4.2015 for the period from 1.9.2013 to 30.4.2014 and revised terminal benefits which were already paid and to be paid including monthly pension based on the revised pay payable to him as per the settlement as on the date of his retirement with arrears; monthly pension payable under the Post Retirement Benefit June 2016 with arrears and to pay him all other terminal and service benefits together with.

W.P.No.39389 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.5,16,773/- towards gratuity; a sum of Rs.15,360/- towards earned leave salary for 15 days; a sum of Rs.3 80 413/- towards P.F.; monthly pension payable under the Post Retirement Benefit from June 2016 with arrears and to pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay him interest for the belated payment of terminal benefits which were already paid to the petitioner award costs;

W.P.No.39390 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.2,85,992/- towards gratuity; a sum of Rs.9,000/- towards difference in P.F; monthly pension payable under the Post Retirement Benefit June 2016 with arrears and to

pay him all other terminal and service benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay the petitioner interest for the belated payment of terminal benefits which were already paid to him award costs;

W.P.No.39391 of 2016: Directing the Respondents to pay the petitioner a sum of Rs.3,60,369/- towards gratuity; the interest for 415 days for a sum of Rs.1,87,000/- towards the belated payment of his commutation value of pension and to pay him all other terminal and service benefits including the monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for all the above benefits and also to pay the petitioner interest for the belated payment of terminal benefits which were already paid to him award costs;

For Petitioners in all WPs : Mr.R.Krishnaswamy
For Respondents in all WPs : Mr.R.K.Gandhi

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 interest.

3.The petitioners are the employees 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 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 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 01.02.2017.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 Tamil Nadu State Transport Corporation
(Salem) Ltd. Rep. by its Managing
Director, 12, Ramakrishna Road
Salem.
- 2 The Administrator
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.V. Ajay Khose, Advocate, S.R.No.64532

SSI (CO)
EU(24/11/2016)

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39391 of 2016