

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39746 to 39759 of 2016

V.VENKATRAMAN ... PETITIONER in WP.39746 of 2016
P.GOVINDARAJ ... PETITIONER in WP.39747 of 2016
P.KALIYAPPAN ... PETITIONER in WP.39748 of 2016
A.ASAITHAMBI ... PETITIONER in WP.39749 of 2016
S.RAMASAMY ... PETITIONER in WP.39750 of 2016
A.DURASAMY ... PETITIONER in WP.39751 of 2016
S.MURUGESAN ... PETITIONER in WP.39752 of 2016
PALANIAPPAN ... PETITIONER in WP.39753 of 2016
R.SELVARAJ ... PETITIONER in WP.39754 of 2016
V.SUBRAMANIAN ... PETITIONER in WP.39755 of 2016
P.VAIYAPURI ... PETITIONER in WP.39756 of 2016
M.P.MANIKCAM ... PETITIONER in WP.39757 of 2016
A.MURUGAN ... PETITIONER in WP.39758 of 2016
A.SRINIVASAN ... PETITIONER in WP.39759 of 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 Corporation
Employees Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai Chennai 600 002. ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus,

W.P.No.39746 of 2016 : To direct the Respondents to pay the petitioner a sum of Rs.4,72,915/- towards gratuity; a sum of Rs.81,048/- towards earned leave for 66 days and a sum of Rs.3,13,312/- towards P.F. and to pay him other terminal and service benefits including the monthly pension payable under the Post Retirement Benefit 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 the petitioner award costs.

W.P.No.39747 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.6,57,969/- towards gratuity; a sum of Rs.2456/- towards earned leave for 2 days, and a sum of Rs.3,34,689/- towards P.F. and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39748 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.4,81,275/- towards gratuity; a sum of Rs.15,725/- towards earned leave for 12.5 days, and a sum of Rs.3,71,611/- towards P.F. and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39749 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.4,88,188/- towards gratuity; a sum of Rs.1,64,633/- towards earned leave for 135.5 days, and a sum of Rs.3,61,358/- towards P.F. and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39750 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.3,95,301/- towards gratuity; a sum of

Rs.96,638/- towards earned leave for 114 days, interest for 176 days for the Commutation value of pension amount of Rs.1,97,288/- . and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39751 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.6,35,538/- towards gratuity; a sum of Rs.13,157/- towards earned leave salary, and a sum of Rs.4,56,966/- towards provident Fund and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39752 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.5,97,037/- towards gratuity; a sum of Rs.1845/- towards earned leave for salary 1 and 1/2 days, and a sum of Rs.2,87,305/- towards provident Fund and a sum of Rs.2,30,136/- towards commutation value of pension and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39753 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.7,33,517/- towards gratuity; a sum of Rs.21,384/- towards earned leave for salary 16.5 days, and a sum of Rs.3,50,849/- towards provident Fund and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39754 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.5,78,293/- towards gratuity; a sum of Rs.1,06,808/- towards earned leave salary 83 days, and a sum of Rs.3,67,004/- towards provident Fund and a sum of Rs.2,39,411/- towards commuted value of pension and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39755 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.5,69,465/- towards gratuity; a sum of 2320/- towards earned leave salary 2 days, interest for 280 days for a sum of Rs.2,40,792/- which was paid to him towards commutation value of pension and interest for 120 days for a sum of Rs.2,72,873/- which was paid to the Petitioner towards provident fund and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39756 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.5,18,379/- towards gratuity interest for a sum of Rs.4,58,150/- which was paid to him towards provident fund for 214 days and interest for a sum of 2,29,344/- which was paid to him towards commuted value of pension for 249 days and a sum of Rs.2,95,711/- towards earned leave salary and medical leave salary 279.5 days and to pay arrears of difference in wages payable to the petitioner as per the settlement dt 13.04.2015 and to revise his monthly pension and all other terminal benefits based on the salary payable to him as per the settlement dt 13.4.2015 as on the date of his retirement, with arrears and to pay the petitioner 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 @ 12% per annum for all the above payments and also to pay him interest for the belated payment of terminal benefits which were already paid to him, award costs.

W.P.No.39757 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.5,90,763/- towards gratuity; a sum of 1,36,532/- towards earned leave for 120 days, a sum of Rs.4,34,632/- towards P.F. and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39758 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.4,48,837/- towards gratuity; and interest

for a sum of Rs.2,20,894/- which was paid towards commuted value of pension for 481 days and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

W.P.No.39759 of 2016 : Directing the Respondents to pay the petitioner a sum of Rs.6,26,400/- towards gratuity; a sum of Rs.22,249/- towards earned leave for 19 days, and a sum of Rs.3,02,838/- towards P.F. and to pay him other terminal and service benefits, including the monthly pension payable under the Post Retirement Benefit 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 the petitioner, award costs.

For Petitioner : Mr.R.Krishnaswamy
in all the W.Ps

For Respondents : Mr.R.K.Gandhi
in all the W.Ps

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 1.2.2017.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

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

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.65662

W.P.Nos.39746 to 39759 of 2016

MV(CO)
CA(02/12/2016)

WEB COPY