

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39787 to 39796 of 2016

L.Raju, CR.2341	... Petitioner in WP.39787/16
G.Vanam, CR.2509	... Petitioner in WP.39788/16
P.Raju, DR.3299	... Petitioner in WP.39789/16
A.Thamizhavel, DR.1536	... Petitioner in WP.39790/16
S.Rathanakumar, DR.2620	... Petitioner in WP.39791/16
R.Rajendran, DR.1967	... Petitioner in WP.39792/16
T.Elango, CR.1692	... Petitioner in WP.39793/16
K.Mohanavel, EAO 133	... Petitioner in WP.39794/16
D.Gnanaprakasam, DR.3440	... Petitioner in WP.39795/16
M.N.Periasamy, DR.1946	... Petitioner in WP.39796/16

vs.

- 1 Tamilnadu State Transport Corporation (Salem) Ltd. rep. by its Managing Director 12 Ramakrishna Road Salem ...1st Respondent in WP.Nos.39787 to 39792/16
- 2 The Administrator Tamilnadu State Transport Corporations Employees Pension Fund Trust Thiruvalluvar Illam Pallavan Salai Chennai-2 ...2nd Respondent in WP.39787 to 39792/16

Writ petition No.39787 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to pay the petitioner a sum of Rs.5,15,082/- towards gratuity; a sum of Rs.2,02,249/- towards earned leave salary and old medical leave salary a sum of Rs.3,02,612/- towards P.F. the amount payable to him under social security scheme; the monthly pension payable under the Post Retirement Benefit from January 2016 with arrears and to pay him all other terminal and services 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.

WP.No.39788/16: Directing the Respondents to pay the petitioner a sum of Rs.4 75 410/- towards gratuity; to pay a sum of Rs.2 705/- towards earned leave salary for 2.5 days interest for the belated payment of commutated value of pension of Rs.1 90 968/- for 311 days and till the instalments are paid; interest for the belated payment of the PF amount of Rs.3 48 061/- for 109 days; the monthly pension payable under the Post Retirement benefit 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 petitioner interest for the belated payment of terminal benefits which were already paid to the petitioner award costs.

WP.No.39789/16: Directing the Respondents to pay the petitioner a sum of Rs.2 87 550/- towards gratuity; a sum of Rs.1 04 280/- towards earned leave salary for 110 days; interest for the belated payment of his commutated value of pension for 341 days; interest for the belated payment of his PF for 75 days the arrears of wages payable to him as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 31.3.2015 and to pay the petitioner revised monthly pension commuted value of pension and other terminal benefits based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of his retirement with arrears and difference amounts and to pay him the monthly pension payable under the Post retirement Benefit with arrears and to pay the petitioner all other terminal and service benefits, together with interest at the rate of 12% p.a 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.

WP.No.39790/16: Directing the Respondents to pay the petitioner a sum of Rs.6 48 228/- towards gratuity; a sum of Rs.1 63 783/- towards earned leave salary for 131.5 days; a sum of Rs.4 37 682/- towards P.F.; a sum of Rs.2 74 235/- towards commutated value of pension a sum of Rs.27 083/- towards V.R.S. compensation amount for 26 months monthly pension for September 2015 the amount payable to him under social security scheme; the monthly pension payable under the Post Retirement Benefit from June 2016 and with arrears and to pay him all other terminal and services 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.

WP.No.39791/16: Directing the Respondents to pay the petitioner a sum of Rs.4 39 038/- towards gratuity; to pay a sum of Rs.1 44 560/- towards earned leave salary for 139 days; interest for the belated payment of commutated value of pension of Rs.1 85 133/- for 685 days interest for the belated payment of the PF amount of Rs.2 38 000/- for 109 days revised pay from 1.9.2013 to

30.4.2014 as per the settlement dated 13.4.2015 with arrears; revised monthly pension from 1.5.2014 and revised commuted value of pension and other service and terminal benefits with arrears and difference amounts based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of his retirement monthly pension payable under the post retirement Benefits scheme from June 2016 with arrears and to pay him all other terminal and service benefits, together with interest at the rate of 12 % p.a. 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.

WP.no.39792/16: Directing the Respondents to pay the petitioner a sum of Rs.5 64 848/- towards gratuity; a sum of Rs.1 50 631/- towards earned leave salary for 130 days a sum of Rs.3 74 854/- towards P.F. amount a sum of Rs.73 958/- towards VRS Compensation for 71 months; interest for the belated payment of commuted value of pension of Rs.2 58 168/- for 311 days and till the entire instalments are paid unpaid arrears of pension for May and June 2015 the monthly pension payable under the Post Retirement Benefit from June 2016 with arrears and to pay him all other terminal and services benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay the petitioner interest for belated payment of terminal benefits which were already paid to him, award costs.

WP.No.39793/16: Directing the Respondents to pay the petitioner a sum of Rs.5 30 394/- towards gratuity; a sum of Rs.35 518/- towards earned leave salary for 34.5. days; a sum of Rs.2 01 849/- towards P.F. the amount payable under the Social security scheme and the monthly pension payable under the Post Retirement Benefit with arrears and to pay him all other terminal and services 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.

WP.No.39794/16: Directing the Respondents to pay the petitioner a sum of Rs.3 66 900/- towards earned leave salary for 286 days; the monthly pension payable under the Post Retirement Benefit from July 2011 with arrears and to pay him all other terminal and services 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 the petitioner award costs.

WP.No.39795/16: Directing the Respondents to pay the petitioner a sum of Rs.2 98 890/- towards gratuity; a sum of Rs.2 38 080/- towards earned leave salary for 240 days a sum of Rs.3 12 651/- towards P.F. and the monthly pension payable under the Post Retirement Benefit from June 2016 and with arrears and to pay

him all other terminal and services 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.

WP.No.39796/16: Directing the Respondents to pay the petitioner a sum of Rs.5 85 000/- towards gratuity; a sum of Rs.3 64 686/- towards P.F. the monthly pension payable under the Post Retirement Benefit from June 2016 and with arrears and to pay him all other terminal and services benefits together with interest at the rate of 12% per annum for all the above benefits and also to pay the him interest for the belated payment of terminal benefits which were already paid to the petitioner award costs.

For Petitioners : Mr.R.Krishnaswamy,
in all the writ petitions

For Respondents : Mr.R.K.Gandhi,
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 1.2.2017.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.
12 Ramakrishna Road Salem
- 2 The Administrator
Tamilnadu State Transport Corporations
Employees Pension Fund Trust Thiruvalluvar
Illam Pallavan Salai Chennai-2

+1 cc to Mr.Ajaykhose, advocate,sr.65663

nmi (co)
krd 21/11

W.P.Nos.39787 to
39796 of 2016

सत्यमेव जयते

WEB COPY