

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39819 to 39828 of 2016

A.Abdul Razak ... Petitioner in WP.39819/16
P.S.Raju ... Petitioner in WP.39820/16
B.Shajahan ... Petitioner in WP.39821/16
N.Subramanian ... Petitioner in WP.39822/16
R.Vijayan ... Petitioner in WP.39823/16
R.Sethuraman ... Petitioner in WP.39824/16
M.Chinnaraj ... Petitioner in WP.39825/16
C.Sadasivam ... Petitioner in WP.39826/16
P.Manickam ... Petitioner in WP.39827/16
P.Mandharachalam ... Petitioner in WP.39828/16

vs.

- 1 The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director Erode Region
Erode. ...1st Respondent in WP.39819/16
- 2 The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director
Coimbatore ...1st Respondent in WP.Nos.39820to828/16
- 3 The Administrator
Tamil Nadu State Transport Employees Pension
Fund Trust Thiruvalluvar Illam Anna Salai
Chennai-2. ...2nd Respondent in all the WPs

WP.No.39819/16:

Writ petition No.39819 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.2,00,382/- towards Leave Salary and Rs.28,495/- towards balance of gratuity together with 18% interest per annum along with interest amounts towards delayed payment of part of the gratuity amount Rs.3,28,995/- for the period from 31.10.2011. to 30.12.2013 and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2,10,748/- for the period from 01.11.2011. to 31.10.2013 at the rate of 18% p.a within a time frame as may be fixed by this Honourable Court.

WP.No.39820/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondent to pay the petitioner Rs.1 50 565/- towards Leave Salary and Rs.34 265/- towards balance of gratuity together with 18% interest per annum along with interest amounts towards delayed payment of part of the gratuity amount Rs.4 56 509/- for the period from 30.04.12 to 30.12.13 and towards the delayed payment of EPF Employees Contribution amount Rs.5 15 394/- for the period from 30.04.12 to 02.06.12 at the rate of 18% per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 46 555/- for the period from 01.05.2012 to 31.10.13 at the rate of 18% pa. within a time frame as may be fixed by this Hon'ble Court.

WP.No.39821/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.4 42 817/- towards Gratuity and Rs.1 167/- towards Leave Salary together with 18% interest per annum further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 12 456/- for the period from 01.10.12 to 25.10.13 at the rate of 18% p.a within a time frame as may be fixed by this Honourable Court.

WP.No.39822/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.4 84 471/- towards Gratuity and Rs.2 67 553/- towards Leave Salary together with 18% interest per annum further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 49 221/- for the period from 01.10.2012 to 24.10.13 at the rate of 18% pa. within a time frame as may be fixed by this Honourable Court.

WP.No.39823/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.5 04 942/- towards Gratuity and Rs.2 25 390/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 55 409/- for the period from 28.02.13 to 25.04.13 at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 54 389/- for the period from 01.03.13 to 01.11.13 at the rate of 18% pa. within a time frame as may be fixed by this Honourable Court.

WP.No.39824/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.6 97 005/- towards Gratuity and Rs.2 675/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1 06 125/- for the period from 31.03.13 to 18.06.13 at the rate as per EPF Scheme and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 88 062/- for the period from 01.04.13 to 31.10.13 at the rate of 18% p.a within a time frame as may be fixed by this Honourable Court.

WP.No.39825/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.4 25 681/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 47 156/- for the period from 31.05.13 to 05.08.13 at the rate as per EPF Scheme and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 05 123/- for the period from 01.06.13 to 24.10.13 at the rate of 18% pa. within a time frame as may be fixed by this Honourable Court.

WP.No.39826/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.7 60 435/- towards Gratuity and Rs.1 46 965/- towards leave salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 80 027/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39827/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.7 25 792/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4 19 661/- for the period from 31.05.15 to 08.06.16 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2 82 437/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39828/16: It is prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders or directions and in particular issue a writ of mandamus, directing the 1st respondents to pay the petitioner Rs.5 95 790/- towards Gratuity Rs.3 01 849/- towards E.P.F. Employees Contributions and Rs.85 231/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 44 400/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.V.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 1.2.2017.

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

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director
of Tamilnadu
State Transport Corporation (Kovai) Ltd.
Erode Region Erode.
 - 2 The Administrator
Tamil Nadu State Transport Employees Pension
Fund Trust Thiruvalluvar Illam Anna Salai
Chennai-2.
 - 3 The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.
Coimbatore.1st
- +1 cc to M/s.V.Ajaykhose,advocate,sr.65665
+1 cc to M/s.S.Sairaman,advocate,sr.66254.
- mv(co)
krd 24/11

W.P.Nos.39819 to
39828 of 2016

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