

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39858 to 39878 of 2016

|                    |                               |
|--------------------|-------------------------------|
| K.Palanisamy       | ... Petitioner in WP.39858/16 |
| K.Thangavel        | ... Petitioner in WP.39859/16 |
| P.Kandakumar       | ... Petitioner in WP.39860/16 |
| V.Balamurugesan    | ... Petitioner in WP.39861/16 |
| K.Thirumoorthy     | ... Petitioner in WP.39862/16 |
| R.A.Subramaniam    | ... Petitioner in WP.39863/16 |
| S.Mani             | ... Petitioner in WP.39864/16 |
| S.Maharajan        | ... Petitioner in WP.39865/16 |
| S.Chelladurai      | ... Petitioner in WP.39866/16 |
| V.Manoharan        | ... Petitioner in WP.39867/16 |
| V.S.Sivagurunathan | ... Petitioner in WP.39868/16 |
| N.Selvaraj         | ... Petitioner in WP.39869/16 |
| M.Somu             | ... Petitioner in WP.39870/16 |
| K.Anandan          | ... Petitioner in WP.39871/16 |
| G.Jothi            | ... Petitioner in WP.39872/16 |
| S.Natarajan        | ... Petitioner in WP.39873/16 |
| R.Balaji           | ... Petitioner in WP.39874/16 |
| S.Velusami         | ... Petitioner in WP.39875/16 |
| M.Selvaraju        | ... Petitioner in WP.39876/16 |
| S.manickam         | ... Petitioner in WP.39877/16 |
| T.Thiruvankadasamy | ... Petitioner in WP.39878/16 |

Vs.

- 1 The Management of  
Tamilnadu State Transport Corporation (Kovai) Ltd  
rep by its Managing Director  
Coimbatore ... Respondent in all WPs

Prayer in W.P.No.39858 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.1,81,907/- towards leave salary and Rs.42,710/- towards balance of gratuity together with 18% interest per annum, along with interest amounts towards delayed payment of part of the gratuity amount Rs.3,52,719/- for the period from 31.08.11 to 31.12.13 together with 18% per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39859/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to pay the petitioner Rs.4 94 640/- towards Gratuity and Rs.2 05 205/- towards leave salary together with 18% interest per annum within a time frame.

WP.No.39860/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to pay the petitioner Rs.5 15 581/- towards Gratuity and Rs.1 69 890/- towards Leave Salary together with 18% per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39861/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to pay the petitioner Rs.3 98 208/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.96 622/- for the period from 31.05.13 to 05.08.13 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court.

WP.No.39862/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.6 17 002/- towards Gratuity and Rs.2 59 182/- towards Leave Salary together with 18% per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39863/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.8 08 664/- towards Gratuity and Rs.5 22 332/- towards Leave Salary together with 18% per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.5,62,556/- for the period from 30.04.15 to 29.12.15 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court.

WP.No.39864/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.6 73 981/- towards Gratuity and Rs.3 89 361/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 95 203/- for the period from 30.04.15 to 29.12.15 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court.

WP.No.39865/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.6 24 942/- towards Gratuity and Rs.1 94 075/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.10 09 494/- for the period from 30.04.15 to 22.12.15 at the rate as per EPF Scheme within a time frame as may be fixed by this Honourable Court.

WP.No.39866/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.5 65 338/- towards Gratuity and Rs.8 38 374/- towards EPF Employees Contributions together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39867/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.5 66 031/- towards Gratuity and Rs.4 05 369/- towards E.P.F.Employees Contributions together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39868/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.7 23 289/- towards Gratuity Rs.3 16 322/- towards E.P.F. Employees Contributions and Rs.3 89 806/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39869/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.6 20 946/- towards Gratuity Rs.9 72 099/- towards E.P.F.Employees Contributions and Rs.2 12 836/- towards Leave salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.no.39870/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.5 45 235/- towards Gratuity Rs.5 96 990/- towards E.P.F. Employees Contributions and Rs.1 31 142/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.no.39871/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.8 50 155/- towards Gratuity Rs.3 36 930/- towards E.P.F.Employees Contributions and Rs.81 793/- towards Leave salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39872/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.9 34 159/- towards Gratuity Rs.10 34 713/- towards E.P.F.Employees Contributions and Rs.51 845/- towards Leave salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39873/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.5 60 598/- towards Gratuity and Rs.3 55 148/- towards E.P.F. Employees Contributions together together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39874/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.8 84 120/- towards Gratuity and Rs.7 88 765/- towards E.P.F.Employees Contributions together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39875/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.5 78 122/- towards Gratuity Rs.2 35 677/- towards E.P.F.Employees Contributions and Rs.23 578/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39876/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.8 86 402/- towards Gratuity Rs.13 12 830/- towards E.P.F. Employees Contributions and Rs.6 098/- towards Leave Salary together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39877/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.7 59 413/- towards Gratuity Rs.3 51 959/- towards E.P.F.Employees Contributions and Rs.2 94 340/- towards Leave Salary together

with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

WP.No.39878/16: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the petitioner Rs.2 53 441/- towards Gratuity and Rs.3 74 727/- towards E.P.F. Employees Contributions together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

For Petitioner  
in all W.Ps.

:

Mr.V.Ajoykhose

For Respondent  
in all W.Ps.

:

Mr.P.Kannan Kumar

#### 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 respondent, 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 respondent.

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 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 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

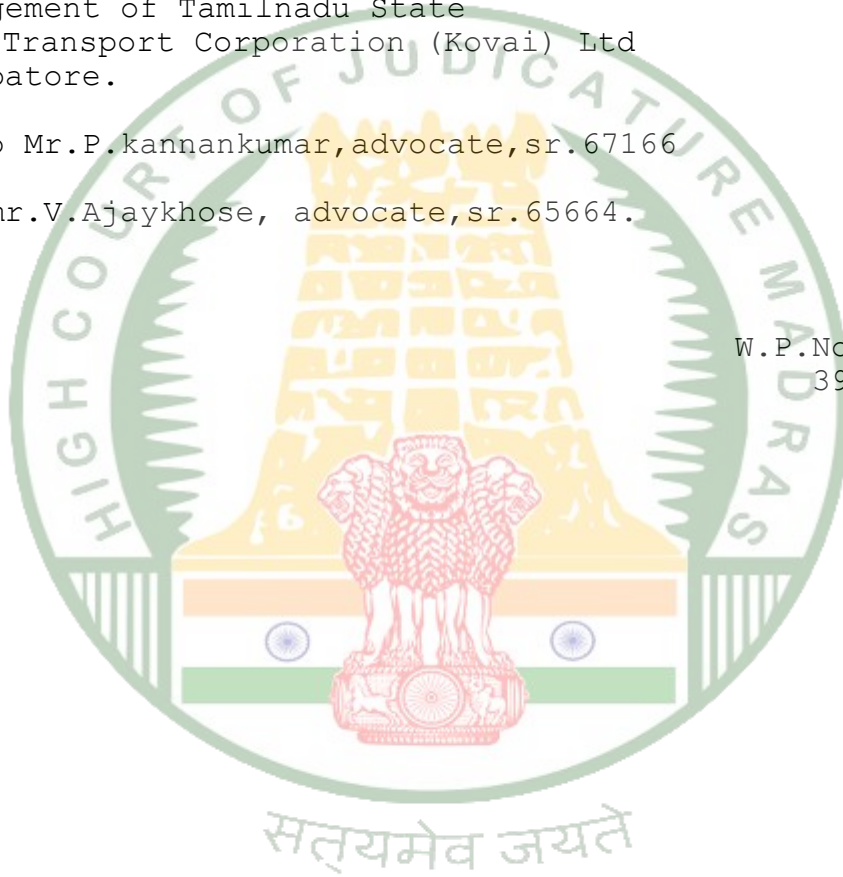
The Managing Director  
Management of Tamilnadu State  
Transport Corporation (Kovai) Ltd  
Coimbatore.

+2 cc's to Mr.P.kannankumar,advocate,sr.67166

+1 cc to mr.V.Ajaykhose, advocate,sr.65664.

ev(co)  
krd 29/11

W.P.Nos.39858 to  
39878 of 2016



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