

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.39941 to 39946 of 2016

K.Sivaraj	..Petitioner in W.P.No.39941/2016
S. Muruganandam	..Petitioner in W.P.No.39942/2016
C. Vijayakumar	..Petitioner in W.P.No.39943/2016
S. Balasubramanian	..Petitioner in W.P.No.39944/2016
T. Palanisamy	..Petitioner in W.P.No.39945/2016
P. Aruchaamy	..Petitioner in W.P.No.39946/2016

Vs

- 1 The Management of
Tamil Nadu State Transport
Corporation
(Kovai) Ltd Rep. by its
Managing Director
Coimbatore.
- 2 The Administrator
Tamil Nadu State Transport
Employees Pension
Fund Trust Thiruvalluvar Illam
Anna Salai Chennai-2. ...Respondents in all petitions

W.P.No.39941 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct Directing the 1st respondents to pay the petitioner Rs.6,43,280/- towards Gratuity and Rs.3,09,213/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 1.11.2013 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. October 2013 by revising the same as per the Settlement dated 13.4.2015 as ordered by the Honourable Division Bench of this Court in its Order dated 29.1.2016 in W.A.(MD) No.1457/15 and etc. batch.

W.P.No.39942 of 2016: Writ petition 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.6,41,423/-towards Gratuity and Rs.2,26,352/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs. 7,86,133/- for the period from 31.3.2014 to 15.7.2014 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 1.4.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. March 2014 by revising the same as per the Settlement dated 13.4.2015 as ordered by...

W.P.No.39943 of 2016: Writ petition 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.5,00,285/- towards Gratuity and Rs.13,864/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2,83,763/- for the period from 31.5.2014 to 20.9.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,29,804/- towards the pension Commutation and arrears of pension for the period from 1.6.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. May 2014 by revising the same as per the...

W.P.No.39944 of 2016: Writ petition 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.5,06,746/-towards Gratuity and Rs.2,158/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2,09,965/- for the period from 31.5.2014 to 18.9.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,27,624/- towards the pension Commutation and arrears of pension for the period from 1.6.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. May 2014 by revising the same as per the...

W.P.No.39945 of 2016: Writ petition 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.8,51,712/-towards Gratuity and Rs.4,11,785/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.3 16 587/- towards the Pension Commutation and arrears of pension for the period from 1.7.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. June 2014 by revising the same as per the Settlement dated 13.4.2015 as ordered by the Honourable Division Bench of this Court in its Order dated 29.1.2016 in W.A. (MD) No.1457/15 and etc. batch

W.P.No.39945 of 2016: Writ petition 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.5,37,392/-towards Gratuity and Rs.1,17,700/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4,16,348/- for the period from 28.2.2015 to 5.10.2015 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 1.3.2015 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. February 2015 by revising the same as per the Settlement dated 13.4.2015 as ordered by...

For Petitioners : Mr.V.Ajoykhose
in all the W.Ps.

For Respondents : Mr.P.Kannan Kumar
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(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1 The Managing Director
The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd
Coimbatore.

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2 The Administrator
Tamil Nadu State Transport Employees Pension
Fund Trust Thiruvalluvar Illam Anna Salai
Chennai-2.

+1cc to Mr.V. Ajaykhous, Advocate, S.R.No.65666
+2ccs to Mr.P. Kannan Kumar, Advocate, S.R.No.67171

SR(CO)
EU 05.12.16

W.P.Nos.39941 to
39946 of 2016



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