

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40493 to 40505 of 2016

W.P.No.40493 of 2016

A.Sundaram Petitioner in WP.No.40493/2016
G.Karunakaran Petitioner in WP.No.40494/2016
G. InbamPetitioner in WP.No.40495/2016
R. PichandiPetitioner in WP.No.40496/2016
N. ManiPetitioner in WP.No.40498/2016
M. Narayana SinghPetitioner in WP.No.40499/2016
K.RamamurthyPetitioner in WP.No.40500/2016
S. BabuPetitioner in WP.No.40501/2016
A. ChinnapattuPetitioner in WP.No.40502/2016
N. ParusuramanPetitioner in WP.No.40503/2016
V. GanesanPetitioner in WP.No.40504/2016
V. SekarPetitioner in WP.No.40505/2016

Vs.

1. Tamil Nadu State Transport Corporation
(Villupuram) Limited,
rep. by its Managing Director,
Salamedu,
Villupuram - 605 602.
2. The General manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region,
Rangapuram, Vellore- 632 109.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002. Respondents in all the
Wps.

Prayer : Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus

WP.No.40493/2016

Directing the respondents to pay the petitioner a sum of Rs.4 98 750/- towards gratuity; a sum of Rs.13 582/- towards arrears of difference in wages payable due to the 5.5% wage increase given in the settlement dated 13.04.2015; a sum of Rs.28 687/- towards earned leave salary and old medical leave salary for 20 days; a sum of Rs.10 625/- towards earned salary for 10 days from 21.11.2013 to 30.11.2013; a sum of Rs.2 44 852/- towards commuted value of pension after adjusting the amounts already paid; revision of pension / other terminal benefits based on the salary payable to him as per the settlement / promotion / review as on the date of his retirement with arrears; monthly pension payable under the post Retirement Benefit Scheme from June, 2016, with arrears, 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 service/terminal benefits which were already paid to him.

WP.No.40494/2016

Directing the respondents to pay the petitioner a sum of Rs.4 15 384/- towards gratuity; a sum of Rs.2 00 904/- towards commuted value of pension; a sum of Rs.9 850/- towards salary for 10 days from 21.04.2014 to 30.04.2014; 5.5% wage increase as per the settlement dt.13.4.2015 for the period from 01.09.2013 to 30.04.2014; revised terminal benefits including pension which were already paid based on the salary payable to him as per the settlement dated 13.04.2015 with difference amount of the service/ terminal benefits; revised pension from 01.05.2014 with corresponding increase in D.A. with arrears; monthly pension payable under the post retirement benefit scheme from June 2016 with arrears; together with interest at the rate of 12% per annum for the above benefits and also to pay interest for the belated payment of service/terminal benefits which were already paid to the petitioner.

WP.No.40495/2016

Directing the respondents to pay the petitioner a sum of Rs.3 42 651/- towards gratuity; a sum of Rs.1 43 747/- towards commuted value of pension; a sum of Rs.1 18 800/- towards earned leave salary for 114 days and medical leave salary for 3 days which stood to his leave credit before August 1998; a sum of Rs.11 167/- towards earned salary for 11 days from 21.10.2015 to 31.10.2015; monthly pension payable under the Post Retirement

Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also interest for the belated payment of terminal / service benefits which were already paid to him.

WP.No.40496/2016

Directing the respondents to pay the petitioner a sum of Rs.4 30 348/- towards gratuity; monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay him interest for the belated payment of terminal / service benefits including commuted value of pension which were already paid to the petitioner.

WP.No.40497/2016

Directing the respondents to pay the petitioner a sum of Rs.4 82 052/- towards gratuity; a sum of Rs.2 03 280/- towards commuted value of pension; a sum of Rs.11 264/- towards earned leave salary for 11 days from 21.03.2015 to 31.03.2015; a sum of Rs.3 072/- towards earned leave salary for 3 days and a sum of Rs.2 048/- towards old medical leave salary for 2 days; 5.5% wage increase as per the settlement dated 13.4.2015 for the period 01.09.2013 to 31.03.2015; revised terminal and service benefits based on the salary payable to him as per the settlement dated 13.04.2015 as on the date his retirement including monthly pension with difference amount in service / terminal benefits which were already paid to him.

WP.No.40498/2016

Directing the respondents to pay the petitioner a sum of Rs.4 47 000/- towards gratuity; a sum of Rs.2 07 879/- towards commutation after adjusting the amounts already paid in instalments; a sum of Rs.44 997/- towards the medical leave salary for 44 days which stood to his credit before August 1998; a sum of Rs.10 220/- towards earned salary for 10 days from 21.04.2014 to 30.04.2014; 5.5% wages increase from 1.9.2013 to 30.4.2015 as per the settlement dated 13.4.2015 with arrears; revised service/terminal benefits which were already paid with difference amounts based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of his retirement and revised monthly pension with corresponding D.A. And arrears from 1.5.2015; monthly pension payable under the Post Retirement Benefits Scheme from June, 2016 with arrears, 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 the terminal/service benefits which were already paid to him.

WP.No.40499/2016

Directing the respondents to pay the petitioner a sum of Rs.6 48

779/- towards gratuity; a sum of Rs.2 78 955/- towards commutation after adjusting the amount already paid in instalments a sum of Rs.37 318/- towards the earned leave salary and old medical leave salary for 10 days; a sum of Rs.14 155/- towards earned salary for 11 days from 21.05.2016 to 31.05.2016 monthly pension payable under the post Retirement Benefits Scheme from June 2016 with arrears together with interest at the rate of 20% per annum for the above benefits and also to pay the petitioner interest for the belated payments of service/ terminal benefits which were already paid to him.

WP.No.40500/2016

Directing the respondents to pay the petitioner a sum of Rs.4 33 375/- towards gratuity; a sum of Rs.2 82 621/- towards earned leave salary for 214 days and the medical leave salary for 32 days which stood to his credit before August 1998; monthly pension payable under the PRBS from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of the service / terminal benefits including commuted value pension which were already paid to him.

WP.No.40501/2016

Directing the respondents to pay the petitioner a sum of Rs.4 17 898/- towards gratuity; a sum of Rs.2 56 761/- towards earned leave salary for 183 days and the medical leave salary for 85 days which stood to his credit before August 1998 monthly pension payable under the PRBS from June 2016 with arrears together with interest at the rate of 12% per annum for the benefits and also to pay him interest for the belated payment of the service / terminal benefits including commuted value of pension which were already paid to the petitioner.

WP.No.40501/2016

Directing the respondents to pay the petitioner a sum of Rs.3 87 771/- towards gratuity; monthly pension payable under the PRBS from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and interest for the belated payment of the service / terminal benefits including commuted value of pension which were already paid to the petitioner.

WP.No.40503/2016

Directing the respondents to pay the petitioner a sum of Rs.4 68 518/- towards gratuity a sum of Rs.34 049/- towards earned leave salary for 31 days and medical leave salary for 3 days a sum of Rs.10 014/- towards earned salary for 10 days from 21.9.2013 to 30.09.2013 a sum of Rs.21 998/- towards difference in commuted value of pension 5.5% wages increase as per the settlement

dated 13.04.2015 for the period from 1.9.2013 to 30.09.2013 with arrears revised service / terminal benefits based on the salary payable to him as per the settlement dated 13.04.2015 as on the date of his retirement with difference in service / terminal benefits and also revised monthly pension based on the said salary from 1.10.2013 with corresponding D.A. And arrears; and monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears, together with interest at the rate of 12% per annum for the above benefits and also to pay him interest for the belated payment of service/terminal benefits, including commuted value of pension which were already paid to the petitioner.

WP.No.40504/2016

Directing the respondents to pay the petitioner a sum of Rs.4 22 940/- towards gratuity a sum of Rs.1 95 734/- towards earned leave salary for 144 days and the medical leave salary for 73 days Which stood to his credit before August 1998 monthly pension payable under the PRBS from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also pay him interest at the belated payment of the service / terminal benefits including commuted value of pension which were already paid to the petitioner.

WP.No.40505/2016

Directing the respondents to pay the petitioner a sum of Rs.4 16 321/- towards gratuity a sum of Rs.28 578/- towards earned salary for 11 days from 21.05.2015 to 31.5.2015 earned leave salary for 4.5 days and old medical leave salary for 11 days monthly pension payable under the post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also pay him interest at the belated payment of service / terminal benefits including the belated payment of the commuted value of pension of RS.1 89 050/- which were already paid.

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

For Respondents in all W.Ps : Mr.P.Kannan Kumar

COMMON ORDER

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2. The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, with interest, within the time that may be

stipulated by this Court.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondents requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners and the learned counsel who takes notice for the respondents.

5.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).

6.Following the said judgment, without going into the merits of the matter, the respondents are directed to disburse the aforementioned retiral benefits to the petitioner 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 01.02.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant RegistrarTo

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Salamedu,
Villupuram - 605 602.

2. The General manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region,
Rangapuram, Vellore- 632 109.

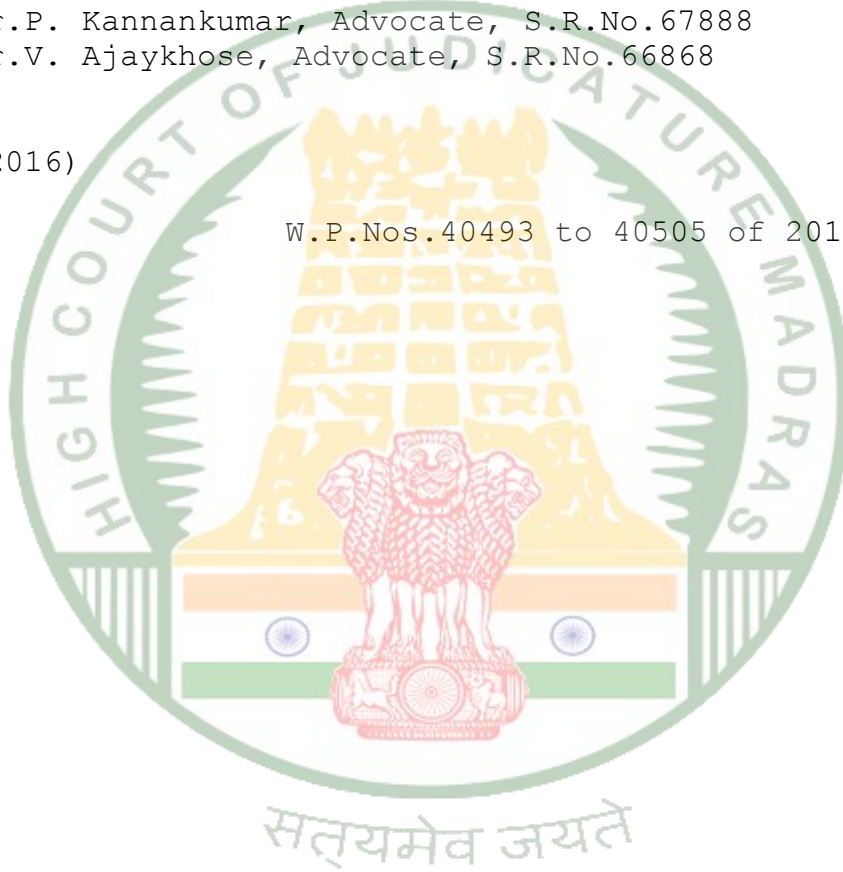
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+2cc to Mr.P. Kannankumar, Advocate, S.R.No.67888

+1cc to Mr.V. Ajaykhose, Advocate, S.R.No.66868

ug(CO)
md(24/11/2016)

W.P.Nos.40493 to 40505 of 2016



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