

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40847 to 40851 of 2016

P.Senniappan ... Petitioner in W.P.No.40847/2016
S.Thangavelu ... Petitioner in W.P.No.40848/2016
S.Rajamanickam ... Petitioner in W.P.No.40849/2016
K.Ajjan ... Petitioner in W.P.No.40850/2016
P.Krishnaswamy ... Petitioner in W.P.No.40851/2016

Vs.

- 1 The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director,
Erode Region,
Erode.
... 1stRespondent in W.P.No.40847/2016
- 1 The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director,
Coimbatore.
... 1stRespondent in W.Ps.40848 to
40851/2016
- 2 The Administrator
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.
... 2nd Respondent in all the W.Ps.

Prayer in W.P.No.40847 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.5,27,649/- towards Gratuity and Rs.1,91,007/- towards Leave Salary, together with 18% interest per annum and further directing the respondents to pay him Rs.2,31,040/- towards the Pension Commutation and arrears of

pension for the period from 01.02.15 by revising his pension, together with 18% 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. January, 2015 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court.

Prayer in W.P.No.40848 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.5,55,403/- towards Gratuity and Rs.1,18,573/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.3,95,139/- for the period from 31.01.14 to 17.04.14 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.02.14 by revising his pension together with 18% 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. January, 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court.

Prayer in W.P.No.40849 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.4,90,379/- towards Gratuity and Rs.1,530/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.05.14 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. April 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court.

Prayer in W.P.No.40850 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.6,09,254/- towards Gratuity and Rs.65,190/- towards Leave Salary together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,81,240/- for the period from 30.06.14 to 08.10.14 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.07.14 by revising his pension together with 18% 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 13.04.15 as ordered by the Honourable Division

Bench of this Court.

Prayer in W.P.No.40851 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.3,52,974/- towards Gratuity and Rs.7,237/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,38,294/- for the period from 30.06.14 to 14.10.14 at the rate as per EPF Scheme and further directing the respondents to pay him arrears of pension for the period from 01.07.14 by revising his pension together with 18% 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 13.04.15 as ordered by the Honourable Division Bench of this Court.

For Petitioners : Mr.V.Ajoykhose
For Respondent : Mr.P.Kannan Kumar

C O M M O N O R D E R

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 respondent to settle the retirement benefits, due to the petitioners, together with interest, after calculating all the terminal/pension benefits based on the monthly wages payable to them on the month of their retirement by revising the same, as per the settlement dated 13.04.2015 as ordered by the Honourable Division Bench of 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 respondent 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 respondent is 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 Registrar

To

- 1 The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director,
Erode Region, Erode.
- 2 The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.
Rep. by its Managing Director,
Coimbatore.
- 3 The Administrator
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1cc to Mr.Ajoy Khose, Advocate, S.R.No.67674
+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.69288

ssk(CO)
md(16/12/2016)

W.P.Nos.40847 to 40851 of 2016