

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.4089 to 4098 of 2016

W.P.No.4089 of 2016

V.Barathy

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep. By its Managing Director
Vazhuthareddy
Villupuram.

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region, Ponnerikarai
Bangalore National Highways
Kancheepuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pay the petitioner forthwith a sum of Rs.18,895/- towards gratuity, a sum of Rs.4,13,425/- towards earned leave salary and to pay him the difference in salary payable to him based on the 3rd review for the period from February 2013 to July 2013, together with interest at the rate of 12% and also to pay the petitioner monthly pension as revised and increased from the time to time within a specified time.

W.P.No.4090 of 2016

A.Annamalai

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.

Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamil Nadu State Transport

Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.25,500/- towards arrears of difference in salary as per the settlement and for 5th review, together with the employee contribution of Provident Fund for the said amount, a sum of Rs.6,95,443/- towards gratuity a sum of Rs.3,12,405/- towards commuted value of pension and a sum of Rs.3,98,614/- towards encashment of both the earned leave and the medical leave which was standing to his credit prior to 1998, to revise his terminal benefits including the petitioner monthly pension, based on the salary payable to him as on the date of the petitioner retirement to be fixed as per the settlement and after giving 5th review and to pay him the difference amount for the terminal benefits including monthly pension which were already settled, together with interest at the rate of 12% and to pay the petitioner the revised monthly pension as increased and revised from the time to time, within a specified time.

W.P.No.4091 of 2016

K.Shanmugam

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.

Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.4,95,803/- towards gratuity; a sum of Rs.11,622/- towards earned leave salary for 12 days, a sum of Rs.4,360/- towards IRT and a sum of Rs.6,000/- towards the difference in monthly pension payable under post retirement scheme, together with interest at the rate of 12% and to pay the petitioner monthly pension under the post retirement scheme at the rate of Rs.1,000/- per month, within a specified time.

W.P.No.4092 of 2016

I.Ramasamy

... Petitioner

Vs

1.Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Rep by its Managing Director Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamilnadu State Transport Corporations Employees Pension Trust
Rep by its Administrator Thiruvalluvar Illam
Anna Salai Chennai 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.20,096/- towards arrears of salary as per the new wage settlement for the period from 1.9.2013 to 31.5.2014 with both employer and employee contribution of Provident Fund a sum of Rs.6,39,692/- towards gratuity, a sum of Rs.89,680/- towards earned leave salary and a sum of Rs.2,81,266/- towards commuted value of pension and a sum of Rs.4,300/- towards IRT contribution, and also to revise his terminal benefits including monthly pension based on the actual pay payable to the Petitioner as on the date of his retirement and to pay the Petitioner the difference amounts, together with interest at the rate of 12% within a specified time.

W.P.No.4093 of 2016

C.Rajendran

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamilnadu State Transport
Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.29,366/- towards difference wages for the period from 1.9.2013 to 31.5.2014 based on the new wage settlement and the 4th review; Rs.5,15,469/- towards gratuity; a sum of Rs.3,53,955/-, towards earned leave salary for 223 days and medical leave salary for 92 days which was standing to his credit before 1998, and a sum of Rs.2,49,322/-towards commuted value of pension and to pay the petitioner the difference in terminal benefits already paid to him based on the revised wages payable to the petitioner as per the settlement and the 4th review, as on the date of his retirement together with interest at the rate of 12% and also to pay him monthly pension as revised and increased from time to time and within a specified time.

W.P.No.4094 of 2016

M.Paranthaman

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamil Nadu State Transport
Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.4,35,891/- towards gratuity, a sum of Rs.1,08,902/- towards earned leave salary, Rs.4,300/- towards IRT contributions and a sum of Rs.1,97,990/-towards commuted value of pension, together with interest at the rate of 12% and within a specified time.

W.P.No.4095 of 2016

R.Boopalan

.... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamil Nadu State Transport
Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.15,206/- towards arrears of salary as per the new wage settlement for the period from 1.9.2013 to 30.11.2013 with

employer and employee contribution of P.F., a sum of Rs.5,26,846/- towards gratuity a sum of Rs.22,708/- towards earned leave salary, and a sum of Rs.2,46,308/- towards commuted value of pension and also to revise his terminal benefits including monthly pension based on the actual pay payable to him as on the date of his retirement and to pay him the difference amounts, together with interest at the rate of 12% and within a specified time.

W.P.No.4096 of 2016

N.Sekar

... Petitioner

Vs

- 1.Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram
- 2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram
- 3.Tamil Nadu State Transport Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.26,130/- towards arrears of salary as per the new wage settlement for the period from 1.9.2013 to 30.4.2014; Rs.5,88,846/- towards gratuity; a sum of Rs.8,250/- towards earned leave salary and a sum of Rs.2,80,964/- towards commuted value of pension and to pay the Petitioner the difference in terminal benefits already paid to the Petitioner based on the revised wages payable to the petitioner as per the settlement as on the date of his retirement, together with interest at the rate of 12% and within a specified time.

W.P.No.4097 of 2016

Kothandaraman

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamil Nadu State Transport
Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.4,95,803/- towards gratuity; a sum of Rs.11,622/- towards earned leave salary for 12 days, a sum of Rs.4,360/- towards IRT and a sum of Rs.6,000/- towards the difference in monthly pension payable under post retirement scheme, together with interest at the rate of 12% and to pay the petitioner's the monthly pension under the post retirement scheme at the rate of Rs.1,000/- per month within a specified time.

W.P.No.4098 of 2016

R.Subramani

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Rep by its Managing Director
Vazhuthareddy Villupuram

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region Ponnerikarai
Bangalore National Highways
Kancheepuram

3.Tamilnadu State Transport
Corporations Employees Pension Trust
Rep by its Administrator
Thiruvalluvar Illam
Anna Salai Chennai 2

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.11,397/- towards arrears of salary as per the new wage settlement for the period from 1.9.2013 to 30.11.2013 with both employer and employee contribution of Provident Fund a sum of Rs.7,74,630/- towards gratuity, a sum of Rs.3,20,776/- towards earned leave salary, and a sum of Rs.3,28,679/- towards commuted value of pension, a sum of Rs.17,000/- towards arrears of pension under the post retirement scheme, and also to revise his terminal benefits including monthly pension based on the actual pay payable to the Petitioner as on the date of the petitioner retirement and to pay him the difference amounts together with interest at the rate of 12% and to continue to pay his monthly pension and post retirement scheme pension every month as revised and increased from time to time, within a specified time.

For Petitioner : M/s.K.M.Ramesh
for R.Sandhya

For respondents : Mr.P.Kannan Kumar

COMMON ORDER

By consent, all the writ petitions are taken up for disposal at the admission stage itself.

2. The case of the petitioners is that they joined the services of the respondent Corporation on 04.08.1985, 03.05.1980, 04.05.1981, 10.06.1981, 25.08.1985, 10.02.1992, 01.02.1984, 10.09.1981, 24.10.1985 and 03.04.1978 and retired from the services on 31.08.2013, 31.12.2013, 31.08.2013, 31.05.2014, 31.05.2014, 31.08.2015, 31.03.2014, 30.04.2014, 31.05.2015 and 30.11.2013 respectively. At the time of retirement, the petitioners were paid only the Provident Fund amount, however other terminal benefits were not settled. Therefore, they made representations to the respondent on 03.01.2016, 04.01.2016, 05.01.2016 and 06.01.2016 respectively. Since no orders have been passed on the representations, the petitioners have come up before this court by way of these writ petitions.

3. The learned counsel for the petitioners has drawn the attention of this Court to the judgment dated 12.06.2015 in W.A.(MD)Nos.383 to 457 of 2015 and would submit that in similar facts and circumstances, the Division Bench of the Madurai Bench of the Madras High Court ordered that the arrears to be paid in instalments and the said Judgment of the Division Bench was also confirmed by the Hon'ble Apex Court in

SLP.(C).Nos.20721 to 20775 of 2015 dated 30.11.2015 and prays for appropriate orders.

4.It is relevant to extract the above-said common judgment made in W.A.(MD).Nos.383 to 457 of 2015, which is as follows :

" The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/2015-2 dated 11/6/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI(D) THR. LRS. VS. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS (2014 (9) SCALE - 78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month.

4. The writ appeals are disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed."

5. In the light of the above-said judgment, respondents are directed to consider the representation of the petitioners dated 03.01.2016, 04.01.2016, 05.01.2016 and 06.01.2016 respectively, with regard to their claim for settlement of retirement/terminal benefits and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy
Villupuram.

2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region, Ponnerikarai
Bangalore National Highways
Kancheepuram.

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

+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.7316

W.P.Nos.4089 to 4098 of 2016

GJ(CO)
CA(06/04/2016)



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