

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition Nos.41560 to 41571 of 2016

N.Thangavel	... Petitioner in W.P.No.41560 of 2016
R.Manoharan	... Petitioner in W.P.No.41561 of 2016
N.Natarajan	... Petitioner in W.P.No.41562 of 2016
K.Balasubramanian	... Petitioner in W.P.No.41563 of 2016
S.Mohanasundaram	... Petitioner in W.P.No.41564 of 2016
K.Vellaichamy	... Petitioner in W.P.No.41565 of 2016
S.Dakshinamoorthy	... Petitioner in W.P.No.41566 of 2016
R.Thangaraj	... Petitioner in W.P.No.41567 of 2016
T.Udayakumar	... Petitioner in W.P.No.41568 of 2016
M.Sivanesan	... Petitioner in W.P.No.41569 of 2016
A.S.Moorthy	... Petitioner in W.P.No.41570 of 2016
M.Thangavel	... Petitioner in W.P.No.41571 of 2016

vs.

1. The Management of Tamil Nadu State Transport Corporation (Kovai) Ltd.,
rep. by. its Managing Director,
Coimbatore. ...1st Respondent in WP.Nos.41560 to 41564, 41566 to 41569 & 41571/16
2. The Management of Tamil Nadu State Transport Corporation(Kovai) Ltd
Rep.by its Managing Director, Erode Region
Erode ...Ist Respondent in WP.Nos. 41565 & 41570/16
3. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai-2. ... IInd Respondent in all WPs

Prayer in WP.No.41560/2016:Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the petitioner Rs.1,33,574/- towards Leave Salary and Rs.16,788/- towards balance of Gratuity, together with 18% interest per annum, along with interest amount towards delayed payment of part of the gratuity amount Rs.3,96,104/- for the period from 31.07.2012 to 15.05.2015 at the rate of 18% interest p.a. and further, directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Amount Rs.2,24,510/- for the period from 01.08.2012 to 25.10.2013 at the rate of 18% p.a. within a time frame fixed by this Court.

WP.No.41561/2016:Directing the 1st respondents to pay the petitioner Rs.3 99 408/- towards gratuity and Rs.49 730/- towards Leave Salary together with 18% interest per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation amount Rs.2 06 706/- for the period from 01.03.13 to 25.10.13 at the rate of 18% p.a within a time frame as may be fixed by this Honourable Court

WP.No.41562/2016:Directing the 1st respondents to pay the petitioner Rs.4 33 662/- towards gratuity and Rs.16 973/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1 83 046/- for the period from 31.05.13 to 05.08.13 at the rate as per EPF Scheme and further Directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Amount Rs.2 16 920/- for the period from 01.06.13 to 24.10.13 at the rate of 18% p.a. within a time frame as may be fixed by this Honourable Court

WP.No.41563/2016:Directing the 1st respondents to pay the petitioner Rs.6 62 455/- towards gratuity and Rs.7 179/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.53 994/- for the period from 31.05.13 to 05.08.13 at the rate as per EPF Scheme and further Directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Amount Rs.2 96 635/- for the period from 01.06.13 to 24.10.13 at the rate of 18% p.a. within a time frame as may be fixed by this Honourable Court

WP.No.41564/2016:Directing the 1st respondents to pay the petitioner Rs.5 95 558/- towards gratuity and Rs.13 620/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 52 432/- towards the Pension commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41565/2016:Directing the 1st respondents to pay the petitioner Rs.5 84 958/- towards gratuity Rs.3 12 830/- towards E.P.F. Employees Contributions and Rs.32 835/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 49 422/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.NO.41566/2016:

Directing the 1st respondents to pay the petitioner Rs.8 39 536/- towards gratuity Rs.98 605/- towards E.P.F. Employees Contributions and Rs.1 63 537/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.3 17 825/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41567/2016:Directing the 1st respondent to pay the petitioner Rs.4 44 102/- towards gratuity Rs.2 85 689/- towards E.P.F. Employees Contributions and Rs.17 799/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.1 82 973/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41568/2016:Directing the 1st respondents to pay the petitioner Rs.6 07 022/- towards gratuity and Rs.1 81 970/- towards E.P.F. Employees Contributions together with 18% interest per annum and further directing the respondents to pay him Rs.2 27 323/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41569/2016:

Directing the 1st respondents to pay the petitioner Rs.7 04 442/- towards Gratuity Rs.4 05 017/- towards E.P.F. Employees Contributions and Rs.4 447/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 75 306/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41570/2016:Directing the 1st respondents to pay the petitioner Rs.7 82 273/- towards Gratuity Rs.6 94 795/- towards E.P.F. Employees Contributions and Rs.3 57 142/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 80 261/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

WP.No.41571/2016:Directing the 1st respondents to pay the petitioner Rs.6 41 579/- towards Gratuity Rs.3 32 618/- towards E.P.F. Employees Contributions and Rs.64 236/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him Rs.2 66 600/- towards the Pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

For Petitioner : Mr.V.Ajoykhose
in all the writ petitions
For Respondents : Mr.S.Sairaman
in all the writ petitions.

COMMON ORDER

By consent, the 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 01.02.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2. The Management of Tamil Nadu
State Transport Corporation(Kovai) Ltd
Rep.by its Managing Director, Erode Region
Erode

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

+1 cc to M/s.S.Sairaman Advocate sr 70647

+1 cc to M/s.V.Ajay Khose Advocate sr 69332

W.P.Nos.41560 to 41571/2016

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