

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.41925 to 41932 of 2016

M.Selvam	...Petitioner in WP.41925 of 2016
U.Chendhamarai	...Petitioner in WP.41926 of 2016
M.Krishnamurthy	...Petitioner in WP.41927 of 2016
K.Narayanan	...Petitioner in WP.41928 of 2016
A.Mani	...Petitioner in WP.41929 of 2016
K.Settu	...Petitioner in WP.41930 of 2016
N.Jayavelu	...Petitioner in WP.41931 of 2016
R.Teekkaraman	...Petitioner in WP.41932 of 2016

Vs.

- 1.Tamilnadu State Transport Corporation (Villupuram) Ltd.
Rep. by its Managing Director,
3/137, Salamedu,
Villupuram - 605 602. R1 in all W.Ps
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Vellore Region,
Rangapuram, Vellore - 632 109. R2 in W.Ps.41925 to 41931
of 2016
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Thiruvannamalai Region,
Thiruvannamalai R2 in W.P.41932 of 2016
- 3.The Administrator,
Tamilnadu State Transport Corporation Employees Pension Fund Trust,
Thiruvallurvar Illam, Pallavan Salai,
Chennai - 600 002. R3 in all W.Ps

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

W.P.No.41925 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.4,62,533/- towards gratuity, a sum of

Rs.2,27,071/- towards commuted value of pension, after adjusting the amounts already paid; a sum of Rs.2,370/- towards arrears of difference in wages payable to him as per the settlement dated 13.04.2015, for the period from 01.09.2013 to 30.11.2013; a sum of Rs.2,13,476/- towards earned leave salary for 140 days and old medical leave salary for 77 days; revised monthly pension, based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of retirement, with a difference amount of Rs.22,574/- payable upto June 2016 and revised monthly pension from July 2016 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 and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41926 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.4,97,371/- towards gratuity; a sum of Rs.9,190/- towards earned salary for 10 days from 21.04.2013 to 30.04.2013; the 4th review from 2012 with the appropriate scale of pay and grade pay with arrears from the date of review to the date of retirement and revision of the terminal benefits which were already paid and settled based on the pay actually payable to him after giving 4th review from 2012 as on the date of retirement with the difference amounts namely a sum of Rs.23,405/- towards difference in commuted value; a sum of Rs.27,659/- towards difference in earned leave salary and a sum of Rs.34,566/- towards difference in pension and revised pension based on the 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 and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41927 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.5,28,868/- towards gratuity; a sum of Rs.9,765/- towards earned salary for 10 days from 21.04.2013 to 30.04.2013; a sum of Rs.21,810/- towards difference in earned leave salary due increase in D.A; revised of pay with effect from 23.01.2012 by giving me 4th review with corresponding scale of pay band pay and grade pay with arrears from 24.1.2012 to 30.4.2013; revised pension and commuted value of pension and all other revised terminal benefits based on the salary payable to me as on the date of his retirement by giving him a 4th review from 23.1.2012 with difference amounts and an amount of Rs.5,140/- towards pension arrears upto June 2016 and with further arrears from July 2016; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears, together with interest at the rate of 12% per annum and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41928 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.7,88,612/- towards gratuity; a sum of Rs.3,16,005/- towards commuted value of pension a sum of Rs.2,83,889/- towards earned leave salary for 195.5 days and old medical leave salary for 10 days; a sum of Rs.14,450/- towards arrears of wages payable to him as per the settlement dt.13.4.2015 for the period from 1.9.2013 to 31.1.2015; revised pension from 1.2.2015 based on the salary payable to the petitioner as per the settlement dated 13.04.2015 as on the date of retirement with a corresponding D.A. with an arrears amount of Rs.14,403/- payable up to June 2016 and revised monthly pension from July 2016 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 and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41929 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.3,82,166/- towards gratuity; a sum of Rs.15,700/- towards arrears of difference in salary based on the wage revision given in the settlement dated 13.4.2015; a sum of Rs.1,32,560/- towards earned leave salary for 96.5 days and old medical leave salary for 26 days; a sum of Rs.11,580/- towards earned salary for 10 days from 21.06.2014 to 30.06.2014; a sum of Rs.9,199/- towards difference in commuted value of pension payable as per the salary payable to him as per the settlement dt.13.4.2015 as on the date of retirement; revised monthly pension based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of retirement, with corresponding D.A. and to pay him a sum of Rs.11,997/- towards pension arrears upto June 2016 and revised monthly pension from July 2016 with arrear; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears, together with interest at the rate of 12% per annum and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41930 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.5,66,470/- towards gratuity; a sum of Rs.3,042/- towards wage revision arrears for Sep.2013 as per the settlement dt.13.04.2015; a sum of Rs.10,251/- towards earned salary for 10 days from 21.09.2013 to 30.09.2013; a sum of Rs.13,259/- towards difference in commuted value of pension; revised pension from 1.10.2013 based on the salary payable to him as per the settlement dated 13.4.2015 as on the date of retirement with a corresponding D.A. with a sum of Rs.23,184/- towards arrears upto June 2016 and revised monthly pension from July 2016 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 and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41931 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.4,72,540/- towards gratuity; a sum of Rs.9,945/- towards difference in commuted value of pension; a sum of Rs.11,865/- towards earned salary for 11 days from 21.01.2015 to 31.1.2015; a sum of Rs.40,991/-towards old medical leave salary for 38 days; arrears of difference in wages payable to him as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 31.1.2015; revised pension based on the salary payable to the petitioner as per the settlement dated 13.4.2015 as on the date of his retirement with corresponding D.A. with arrears including a sum of Rs.9,453/- payable to him petitioner as arrears of pension upto June 2016 and revised monthly pension from July 2016 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 and also to pay him interest for the belated payment of service/terminal benefits.

W.P.No.41932 of 2016 : Directing the respondents to pay the petitioner a sum of Rs.5,90,459/- 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 and also to pay him interest for the belated payment of service / terminal benefits.

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

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

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 respondents to settle the retirement benefits, due to the petitioners, along with interest.

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(CS VII)

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Sub Assistant Registrar

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To

1.The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.
3/137, Salamedu,
Villupuram - 605 602.

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

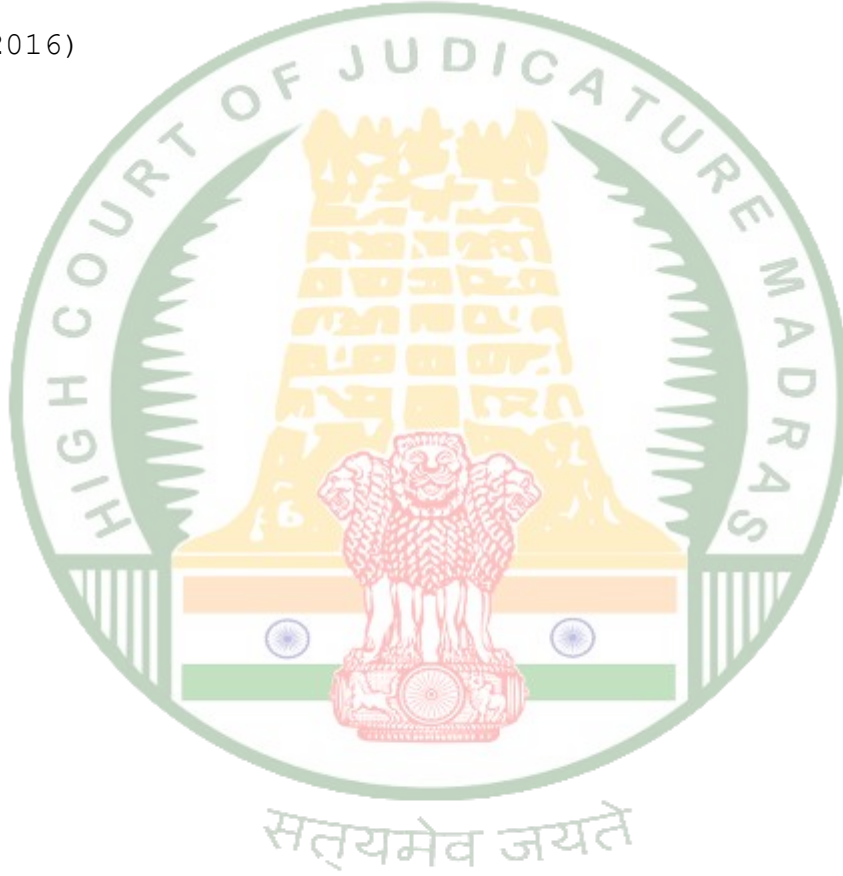
3.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Thiruvannamalai Region,
Thiruvannamalai

4.The Administrator,
Tamilnadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvallurvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.70210

W.P.Nos.41925 to 41932 of 2016

PK(CO)
CA(22/12/2016)



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