

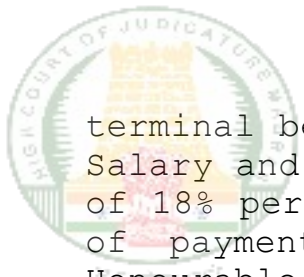
**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED :13.06.2016****CORAM:****THE HONOURABLE Mr.JUSTICE T.RAJA****W.P(MD)Nos.10357 to 10360
and 10361 to 10372 and 10375 of 2016**

P.PALANIKUMAR	... Petitioner in WP(MD)No. 10357/2016
R.GANESAN	... Petitioner in WP(MD)No. 10358/2016
M.JAYARAMAN	... Petitioner in WP(MD)No. 10359/2016
P.RAMAN	... Petitioner in WP(MD)No. 10360/2016
V.NAMANATHAN	... Petitioner in WP(MD)No. 10361/2016
S.PUSHPARAJ	... Petitioner in WP(MD)No. 10362/2016
P.RAJA	... Petitioner in WP(MD)No.10363/2016
N.MOHANRAJ	... Petitioner in WP(MD)No.10364/2016
V.KAMALASEKARAN	... Petitioner in WP(MD)No.10365/2016
S.GANAPATHY	... Petitioner in WP(MD)No.10366/2016
R.THANGARASU	... Petitioner in WP(MD)No.10367/2016
S.VENKATACHALAM	... Petitioner in WP(MD)No.10368/2016
N.SAKTHIVEL	... Petitioner in WP(MD)No.10369/2016
S.YOGARAJ	... Petitioner in WP(MD)No.10370/2016
R.PANDIAN	... Petitioner in WP(MD)No.10371/2016
A.NAGARAJAN	... Petitioner in WP(MD)No.10372/2016
D.JAYARAMAN	... Petitioner in WP(MD)No.10375/2016

-VS-

- 1 THE TAMIL NADU STATE TRANSPORT
CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR KUMBAKONAM.
- 2 THE GENERAL MANAGER,
THE TAMIL NADU STATE TRANSPORT
CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION, TRICHY.
- 3 THE ADMINISTRATOR,
THE TAMIL NADU STATE TRANSPORT
CORPORATION PENSION FUND TRUST,
THIRUVALLUVAR HOUSE, PALLAVAN SALAI,
CHENNAI- 600 002. ... RESPONDENTS in WP(MD)No.10357,
10360,10361,10371&10375 of 2016

- 1 THE TAMIL NADU STATE,
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,



terminal benefits payable to the petitioner including Earned Leave Salary and Medical Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

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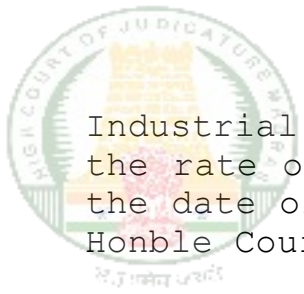
Prayer in WP(MD) No.10358 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Gratuity and Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10359 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Gratuity and Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble court.

Prayer in WP(MD) No.10360 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including Earned Leave Salary and Medical Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

Prayer in WP(MD) No.10361 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 31.10.2013, Earned Leave Salary, Medical Leave Salary and Gratuity in terms of settlement under Section 12(3) of the Industrial Disputes act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

Prayer in WP(MD) No.10362 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 31.05.2014, Gratuity in terms of settlement under Section 12(3) of the



Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10363 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay all the terminal benefits payable to the petitioner including Salary Arrears in terms of settlement from 01.09.13 to 30.04.2015, Gratuity, Leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

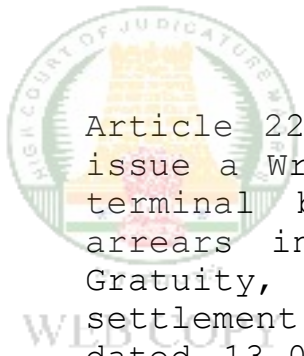
Prayer in WP(MD) No.10364 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 31.05.2015, gratuity, leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10365 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 30.06.2015, Provident Fund, Gratuity, Commuted Value of pension, Leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10366 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay all the terminal benefits including Salary Arrears in terms of settlement from 01.09.13 to 30.06.2015, Leave Salary and Gratuity in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP(MD) No.10367 of 2016: Writ Petitions filed under



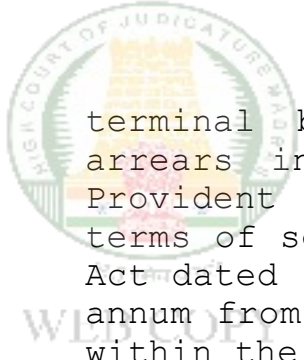
Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 30.06.2015, Gratuity, Commuted value of pension, leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10368 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 31.08.2015, Provident Fund, Commuted Value of Pension, Gratuity and Leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10369 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including Salary Arrears in terms of settlement from 01.09.13 to 31.01.2015, Provident Fund, Gratuity, Cholan Employees Security Scheme arrears, Refund of Industries of Road Transport Contribution amount, Commuted Value of Pension and Leave Salary in terms of settlement 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

Prayer in WP(MD) No.10370 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 31.01.2016, Provident Fund, Gratuity, Commuted value of pension, leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10371 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the



terminal benefits payable to the petitioner including Salary arrears in terms of settlement from 01.09.2013 to 29.02.2016, Provident Fund, Commuted Value of Pension and Leave Salary in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

Prayer in WP(MD) No.10372 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including Salary Arrears in terms of settlement from 01.09.2013 to 31.03.2016, Provident Fund, Gratuity, Social Security Scheme arrears amount, Refund of Industries of Road Transport Contribution amount and Leave Salary in terms of settlement 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

Prayer in WP(MD) No.10375 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including Gratuity and Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

For Petitioners :Mr.A.Rahul

For Respondents :Mr.D.Sivaraman
Standing Counsel

COMMON ORDER

Since the issue involved in all the Writ Petitions are one and the same, they are taken up together and decided by this common order.

2. All the petitioners herein were the employees of the respondent Transport Corporation. Seeking disbursal of their retirement benefits, they have preferred the present Writ Petitions.

3. When the matters are taken up for hearing, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.P.(MD) Nos.383 to 457 of 2015, dated 12.06.2015. He has further submitted that the respondents would consider the request



of the petitioners in the light of the judgment passed by the Honourable Division Bench.

4. For ready reference, the judgment, dated 12.06.2015, passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015, is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, 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 installments, 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 installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

5. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioners in 12 equal monthly installments commencing from **10th July, 2016**. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable would be 18% for the delayed period.

6. The aforesaid direction to settle the terminal benefits would not preclude the workmen to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled to.

7. At this juncture, the learned Standing Counsel for the respondents/Transport Corporation says that against certain ~~employees~~ ~~employees~~ are recoveries pending. So, the above payment may be made subject to recoveries, if any from the employees. The petitioners are also agreeable for the same.



8. With the above direction, the writ petitions stand disposed of. No costs.

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/True copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd, Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Trichy Region, Trichy.
3. The Administrator,
The Tamil Nadu State Transport Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai-600 002.
4. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Pudukkottai Region, Pudukkottai.
5. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Nagapattinam Region, Nagapattinam.
6. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Kumbakonam Region, Kumbakonam.

+17 CC'S TO M/S.D.SIVARAMAN, ADVOCATE IN SR.NOS.29980, 29982 TO
29985 ,29987 TO 29998.

+17 CC'S TO M/S.A.RAHUL, ADVOCATE IN SR.NOS.30004 TO 30020.

SSM

CSL/ARK-PV/27.06.2016 : 8P/41C

**W.P. (MD) Nos.10357 to 10360
and 10361 to 10372 and 10375 of 2016
13.06.2016**