



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
W.P(MD)Nos.10833 to 10836 of 2016

WEB COPY

S.Arumugam

... Petitioner in W.P.(MD).No.10833/2016

A.B.Savithiri

... Petitioner in W.P.(MD).No.10834/2016

P.Gandhi

... Petitioner in W.P.(MD).No.10835/2016

P.Kumar

... Petitioner in W.P.(MD).No.10836/2016

Vs.

1.The Tamil Nadu State Transport Corporation,
(Madurai) Ltd,
rep.by its Managing Director,
Bye-pass Road, Madurai-625 010.

... 1st Respondent in all WPs.

2.The Administrator,

The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

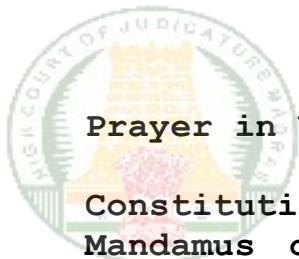
... Respondent in WP.(MD).NO.10833,10834,
10836/2016

*** Prayer in WP(MD). 10833/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to pay the terminal benefits amount including leave salary, Service-surrender leave salary together with 18% interest and also 18% interest for the belated payment of Commuted Value of Pension, Gratuity and all other attendant benefits to the petitioner within the stipulated period.

Prayer in WP(MD). 10834/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to pay the terminal benefits amount including leave salary, Service surrender leave salary together with 18% interest and also 18% interest for the belated payment of Commuted Value of Pension and Gratuity and all other attendant benefits to the petitioner within the stipulated period.



Prayer in WP(MD). 10835/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to pay the terminal benefits amount including Provident Fund amount, Gratuity amount, Leave Salary, Service Surrender Leave Salary and Social Security Scheme amount together with 18% interest and all other attendant benefits to the Petitioner within the stipulated period.

Prayer in WP(MD). 10836/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to pay the terminal benefits amount including leave salary, Service-surrender leave salary together with 18% interest and also 18% interest for the belated payment of Commuted Value of Pension, Gratuity and all other attendant benefits to the petitioner within the stipulated period.

For Petitioners :M/s.A.Rahul

For Respondents :Mr.A.P.Muthu Pandian

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.A.(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, there 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.

Sd/-

Assistant Registrar(CS II)

(*)Corrected order issued

/True copy/



To

To be substituted for the order already despatched on 30.06.2016.

1.The Managing Director,
The Tamil Nadu State Transport Corporation,
(Madurai) Ltd,
Bye-pass Road, Madurai-625 010.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+4cc to Mr.A.K.Thangavelu, Advocate SR.No.31578,31579,31580 &
31581

sm:NGM-MP:28.06.2016:3P/7C

sm:GSV-PM:20.07.2016:4P/7C

W.P. (MD) Nos.10833 to 10836 of 2016
21.06.2016