



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.10847 to 10857 of 2016

WEB COPY

P.RAJU	...	PETITIONER	in	WP(MD)	No.10847	of	2016
R.KUMAR	...	PETITIONER	in	WP(MD)	No.10848	of	2016
M.MUTHUPANDI	...	PETITIONER	in	WP(MD)	No.10849	of	2016
G.KAMARAJ	...	PETITIONER	in	WP(MD)	No.10850	of	2016
S.MURUGESAN	...	PETITIONER	in	WP(MD)	No.10851	of	2016
K.VALAVANDHAN	...	PETITIONER	in	WP(MD)	No.10852	of	2016
K.VIJAYARAJAN	...	PETITIONER	in	WP(MD)	No.10853	of	2016
R.SELVARAJ	...	PETITIONER	in	WP(MD)	No.10854	of	2016
C.MARIMUTHU	...	PETITIONER	in	WP(MD)	No.10855	of	2016
S.RAJU	...	PETITIONER	in	WP(MD)	No.10856	of	2016
C.MANOCHARAN	...	PETITIONER	in	WP(MD)	No.10857	of	2016

-VS-

THE MANAGING DIRECTOR

THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LIMITED,
BYE PASS ROAD, MADURAI 625 016

...SOLE RESPONDENT IN WP(MD)NOS.10847/2016
TO 10850/2016 AND

1ST RESPONDENT IN WP(MD)NOS.10851/2016 TO 10857/2016

THE ADMINISTRATOR

THE TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST, THIRUVALLUVAR HOUSE,
PALLAVAN SALAI, CHENNAI-600 002.

...2ND RESPONDENT in WP(MD) Nos.10851 to 10855/2016
AND 3RD RESPONDENT IN WP(MD)NOS.10856&10857/2016

THE GENERAL MANAGER

THE TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI) LIMITED, BYE PASS ROAD, MADURAI 625 016

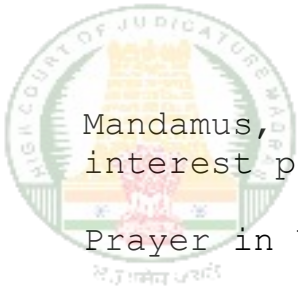
...2ND RESPONDENT in WP(MD) Nos.10856 & 10857 of 2016

Prayer in WP(MD) No.10847 of 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 Gratuity and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

[https://hccasecourts.mv.in/WP\(MD\)/ No.10848 of 2016:](https://hccasecourts.mv.in/WP(MD)/ No.10848 of 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 Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10849 of 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 Gratuity and leave salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10850 of 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 Leave Salary payable while in service and Leave Salary payable at the time of retirement with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10851 of 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 Provident Fund, Gratuity, Pension Commutation and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10852 of 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 Gratuity, Pension Commutation, Leave salary payable while in service and Leave Salary payable at the time of retirement with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10853 of 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 Provident Fund, Gratuity, Pension Commutation, and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10854 of 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 Provident Fund, Gratuity, Pension Commutation and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.



Prayer in WP(MD) No.10855 of 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 Gratuity, Pension Commutation, and Leave salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10856 of 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 Provident Fund, Gratuity, Pension Commutation, and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

Prayer in WP(MD) No.10857 of 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 petitioner s Provident Fund, Gratuity, Pension Commutation and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

For Petitioners :M/s.G.Venkataraman, Advocate

in all the WP's

For Respondent :Mr.A.P.Muthu Pandian , Advocate
in all the WP's

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 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.

WEB COPY

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub-Assistant Registrar

To

1. THE MANAGING DIRECTOR,
THE TAMIL NADU STATE TRANSPORT CORPORATION, (MADURAI) LTD,
BYE-PASS ROAD, MADURAI-625 016.

2. THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR HOUSE, PALLAVAN SALAI, CHENNAI 600 002

3. THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI) LIMITED, BYE PASS ROAD, MADURAI 625 016

+11ccs to Mr.G.Venkatraman, Advocate, SR.Nos.31653 to 31663

ssm
RL/15C/6P/SKS/RR/30/6/2/2016

W.P. (MD) Nos.10847 to 10857 of 2016

21.06.2016