



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.10861 to 10863 of 2016

A.Rajendran ...Petitioner in W.P.(MD).No.10861/2016
K.Chinnan ...Petitioner in W.P.(MD).No.10862/2016
T.Sahadevan ...Petitioner in W.P.(MD).No.10863/2016

Vs.

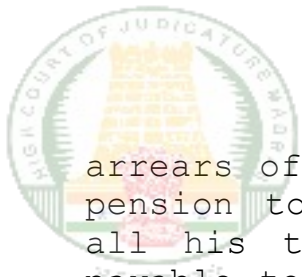
1.The Management of,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Dindigul Region,
rep.by its General Manager, Dindigul.

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

... Respondents in all WPs

W.P. (MD).No.10861 of 2016:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st Respondent to pay the petitioner Rs.2,23,363/- towards Gratuity and Rs.1,78,894/- towards Leave Salary together with 18% interest per annum and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of pension Commutation amount Rs.1,25,665/- for the period from 01.11.2012 to 24.10.2013 at the rate of 18% interest.

W.P. (MD).No.10862 of 2016:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st Respondent to pay the petitioner Rs.2,49,508/- towards Gratuity and Rs.1,76,930/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 28.02.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.1,06,278/- towards the Pension commutation amount and



arrears of pension for the period from 01.03.2015 by revising his pension together with 18% interest per annum after calculating all his terminal /pension benefits based on the monthly wages payable to him on the month of this retirement I.e. February, 2015 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD).No.1457 of 2015 etc., batch.

W.P. (MD).No.10863 of 2016:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st Respondent to pay the petitioner Rs.8,52,896/- towards Gratuity and Rs.5,93,299/- towards Leave Salary and Rs.25,000/- towards Social Security Scheme Benefit together with 18% interest per annum and further directing the respondents to pay him Rs.3,23,559/- towards the pension commutation amount together with 18% interest per annum within a time limit.

For Petitioners :M/s.S.Arunachalam
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

/True Copy/

Sub Assistant Registrar



To

1.The General Manager,
The Management of ,
The Tamil Nadu State Transport Corporation,
(Madurai)Ltd., Dindigul Region,
Dindigul.

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

+3cc to Mr.S.ARUNACHALAM, Advocate Sr.No.32428,32429,32430
SSM
AA/NGM-MP/28.06.2016/4p-6c

W.P. (MD) Nos.10861 to 10863 of 2016
21.06.2016