



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).Nos.14367 to 14384 of 2016

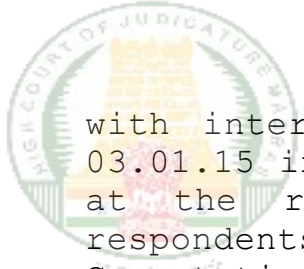
M.THUCKAMUTHU	...	PETITIONER	in WP(MD)	No.14367	of 2016
A.ATKONDA SUNDARAM	...	PETITIONER	in WP(MD)	No.14368	of 2016
R.GURUSAMY	...	PETITIONER	in WP(MD)	No.14369	of 2016
R.SUBRAMANIAN	...	PETITIONER	in WP(MD)	No.14370	of 2016
K.MATHIYALAGAN	...	PETITIONER	in WP(MD)	No.14371	of 2016
J.FRANKLIN FERNANDO	...	PETITIONER	in WP(MD)	No.14372	of 2016
M.NAGARAJAN	...	PETITIONER	in WP(MD)	No.14373	of 2016
P.MUTHIAH	...	PETITIONER	in WP(MD)	No.14374	of 2016
S.RUTHRAPPASAMY	...	PETITIONER	in WP(MD)	No.14375	of 2016
S.ASAITHAMPI	...	PETITIONER	in WP(MD)	No.14376	of 2016
A.ABRAHAM	...	PETITIONER	in WP(MD)	No.14377	of 2016
K.JEYAMANI	...	PETITIONER	in WP(MD)	No.14378	of 2016
V.MANICKAM	...	PETITIONER	in WP(MD)	No.14379	of 2016
S.MEENAKSHI AMMAL	...	PETITIONER	in WP(MD)	No.14380	of 2016
P.KARUPPASAMY	...	PETITIONER	in WP(MD)	No.14381	of 2016
N.MARI	...	PETITIONER	in WP(MD)	No.14382	of 2016
K.SIVAN	...	PETITIONER	in WP(MD)	No.14383	of 2016
P.MOHAN	...	PETITIONER	in WP(MD)	No.14384	of 2016

-VS-

- 1 THE MANAGEMENT OF TAMILNADU
STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD.
TIRUNELVELI REGION
REP. BY ITS MANAGING DIRECTOR
TIRUNELVELI
- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR ILLAM ANNA SALAI
CHENNAI 2 ... RESPONDENTS in WP(MD) Nos.14367 to 14684 of
2016

Prayer in WP(MD) No.14367 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 1st respondent to pay the petitioner Rs.6,01,477/- towards Gratuity, Rs.1,14,400/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.01.14 payable pursuant new wage settlement, together with 18% interest per annum, along



with interest amount towards the delay period from 31.01.14 to 03.01.15 in paying EPF Employees Contribution amount Rs.1,22,404/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,58,463/- towards the Pension Commutation and arrears of pension for the period from 01.02.2014 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 his retirement i.e., January, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14368 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 1st respondent to pay the petitioner Rs.4,77,669/- towards Gratuity, Rs.2,19,622/- towards E.P.F. Employees contributions, Rs.2,06,244/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.05.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.2,11,056/- towards the Pension Commutation amount, Rs.9,973/- towards omitted pension for the month of June, 2014 and arrears of pension for the period from 01.07.14 by revising 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 his retirement i.e., May, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD) No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14369 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 1st respondent to pay the petitioner Rs.4,82,515/- towards Gratuity, Rs.3,11,166/- towards E.P.F. Employees Contributions, Rs.87,296/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.05.14 payable pursuant new wage settlement, together with 18% interest per annum further directing the respondents to pay him Rs.2,13,264/- towards the pension commutation amount and arrears of pension for the period from 01.06.14 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 othe month of his retirement i.e., May, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD) No.1457/2015 and etc., batch.



Prayer in WP(MD) No.14370 of 2016:

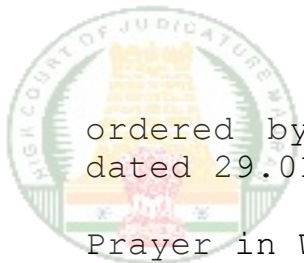
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs. 5,00,753/- towards Gratuity, Rs.2,52,432/- towards E.P.F. Employees Contributions, Rs.1,01,651/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.07.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.08.14 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 othe month of his retirement i.e., July, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14371 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 1st respondent to pay petitioner Rs.4,57,211/- towards gratuity, Rs.2,33,088/- towards E.P.F. Employees Contributions, Rs.81,850/- towards Leave salary and also arrears of wages for the period from 01.09.13 to 30.09.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.1,86,941/- towards the Pension Commutation amount and arrears of pension for the period from 01.10.14 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 othe month of his retirement i.e., September, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14372 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 1st respondent to pay the petitioner Rs.7,74,793/- towards Gratuity, Rs.7,05,762/- towards E.P.F. Employees Contributions, Rs.2,77,976/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.10.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.3,13,611/- towards the pension commutation amount and arrears of pension for the period from 01.11.14 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 othe month of his retirement i.e., October, 2014 by revising the same as per the settlement dated 13.04.2015, as



ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14373 of 2016:

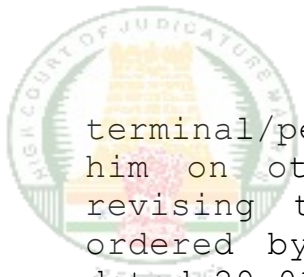
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs. 4,54,596/- towards Gratuity, Rs.2,60,213/- towards E.P.F. Employees Contributions, Rs. 22,961/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.12.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs. 1,94,174/- towards the pension commutation amount and arrears of pension for the period from 01.01.2015 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 othe month of his retirement i.e., December, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14374 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 1st respondent to pay the petitioner Rs.3,57,489/- towards gratuity, Rs.3,03,169/- towards E.P.F. Employees contributions, Rs.2,04,201/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.12.14 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.1,37,720/- towards the Pension commutation amount and arrears of pension for the period from 01.01.15 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 othe month of his retirement i.e., Decembre, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14375 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 1st respondent to pay the petitioner Rs.8,46,896/- towards Gratuity, Rs.5,33,952/- towards E.P.F. Employees Contributions Rs.2,77,442/- 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.8,46,896/- towards the Pension commutation amount and arrears of pension for the period from 01.03.15 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 othe month of his 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 its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

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Prayer in WP(MD) No.14376 of 2016:

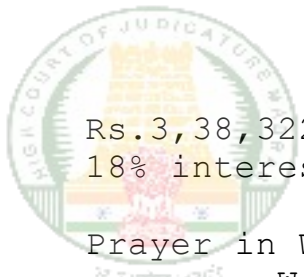
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs. 5,99,407/- towards Gratuity, Rs.6,91,040/- towards E.P.F. Employees Contributions, Rs. 2,50,692/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs. 2,30,437/- towards the pension Commutation amount and arrears of pension for the period from 01.04.15 by revisin his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on othe month of his retirement i.e., March, 2015 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14377 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 1st respondent to pay the petitioner Rs.4,93,744/- towards Gratuity, Rs.2,39,692/- towards E.P.F. Employees contributions, Rs.4,108/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.1,97,790/- towards the Pension Commutation amount and arrears of pension for the period from 01.04.15 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 othe month of his retirement i.e., March, 2015 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court its order dated 29.01.2016 in W.A.(MD)No.1457/2015 and etc., batch.

Prayer in WP(MD) No.14378 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 1st respondent to pay the petitioner Rs.8,44,389/- towards Gratuity, Rs.6,24,194/- towards E.P.F. Employees Contributions, Rs.1,42,840/- towards Leave Salary and wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him



Rs.3,38,322/- towards the pension commutation amount together with 18% interest per annum and within a time.

Prayer in WP(MD) No.14379 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 1st respondent to pay the petitioner Rs. 5,09,891/- towards Gratuity, Rs.3,46,343/- towards E.P.F. Employees Contributions, Rs. 1,05,985/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs. 1,86,740/- towards the pension Commutation amount together with 18% interest per annum and within a time frame as may be fixed by this Hon'ble Court.

Prayer in WP(MD) No.14380 of 2016:

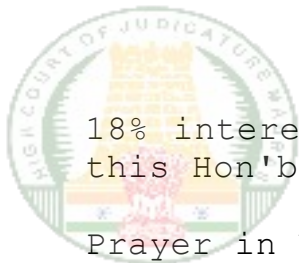
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.3,08,804/- towards Gratuity, Rs.2,59,080/- towards E.P.F. Employees contributions, Rs.1,42,534/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 30.09.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay her Rs.1,19,237/- towards the Pension Commutation amount together with 18% interest per annum and within a time frame as may be fixed by this Hon'ble Court.

Prayer in WP(MD) No.14381 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 1st respondent to pay the petitioner Rs.5,55,856/- towards Gratuity, Rs.5,19,290/- towards E.P.F. Employees Contributions, Rs.2,351/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.2,43,384/- towards the Pension Commutation amount together with 18% interest per annum and within a time.

Prayer in WP(MD) No.14382 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 1st respondent to pay the petitioner Rs. 6,16,696/- towards Gratuity, Rs.2,90,419/- towards E.P.F. Employees Contributions, Rs. 49,481/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs. 2,63,285/- towards the pension Commutation amount together with



18% interest per annum and within a time frame as may be fixed by this Hon'ble Court..

Prayer in WP(MD) No.14383 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 1st respondent to pay the petitioner Rs.6,12,994/- towards Gratuity, Rs.1,98,995/- towards E.P.F. Employees contributions, Rs.18,424/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.2,42,792/- towards the Pension Commutation amount together with 18% interest per annum and within a time frame as may be fixed by this Hon'ble Court.

Prayer in WP(MD) No.14384 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 1st respondent to pay the petitioner me Rs.6,69,801/- towards Gratuity, Rs.4,34,944/- towards E.P.F.Employees Contributions, Rs.59,046/- towards Leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum and further directing the respondents to pay him Rs.2,78,654/- towards the Pension commutation amount together with 18% interest per annum and within a time.

For petitioner	: Mr.S.Arunachalam
For R1	: Mr.K.Sathiya Singh
For R2	: Mr.A.P.Muthupandian

C O M M O N O R D E R

These petitioners were an employee of the respondents Transport Corporation. Seeking their retirement benefits, they have filed the present Writ Petitions.

2. When these 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.

3. 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"

4. 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 1st October, 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.

5. The aforesaid direction to settle the terminal benefits would not preclude the workman 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.

6. The learned 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.



7. With the above direction, these writ petitions are disposed of. No costs.

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/True copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

1. The Managing Director,
The Management of
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli.

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

+16 CC to Mr.S.ARUNACHALAM, Advocate, SR No.47772, 47963, 47971, 47970, 47966, 47695, 47694, 47972, 47968, 47969, 47967, 47776, 47777, 47779, 47778 and 47780 respectively.

W.P(MD).Nos.14367 to 14384 of 2016
24.08.2016

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