



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

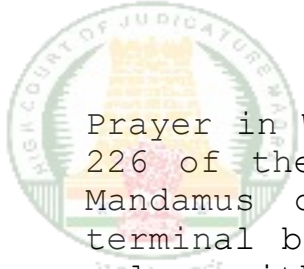
W.P(MD).Nos.15872 to 15878 of 2016

P.Savarimuthu	... Petitioner in W.P.No.15872/2016
A.Alagan	... Petitioner in W.P.No.15873/2016
D.Arumugam	... Petitioner in W.P.No.15874/2016
B.Sekaran	... Petitioner in W.P.No.15875/2016
S.Perumal	... Petitioner in W.P.No.15876/2016
S.Ganesan	... Petitioner in W.P.No.15877/2016
R.Ekambaram	... Petitioner in W.P.No.15878/2016

Vs.

- 1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam. ... 1st Respondent in all WPs.
... Sole Respondent in WP.(MD).NO.15877/16
- 2.The General Manager
The TamilNadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Trichy
... 2nd Respondent in W.P.(MD).No.15872/16,
15873, 15876/16
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.
... 2nd Respondent in W.P.(MD).No.15874/16,
15875/16 & 15878/16

Prayer in W.P.No.15872/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay all the entire terminal benefits payable to the petitioner including salary arrears in terms of settlement from 01.09.2013 to 31.03.2014, 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 Court.



Prayer in W.P.No.15873/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to settle the petitioner's terminal benefits including earned leave salary and medical leave salary with interest at the rate of 18% per annum payable from the date of his retirement i.e., from 31.01.2013 to till the date on which the said benefits are settled to the petitioner.

Prayer in W.P.No.15874/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits including earned leave salary with interest at the rate of 18% per annum payable from the date of his retirement i.e., from 30.11.2012 to till the date on which the said benefits are settled to the petitioner.

Prayer in W.P.No.15875/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits payable to the petitioner including earned leave salary and medical leave salary together with interest at the rate of 18% per annum payable from the date of his retirement to till the date of payment within the time that may be stipulated by this Court.

Prayer in W.P.No.15876/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including earned leave salary and gratuity 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 Court.

Prayer in W.P.No.15877/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including gratuity, refund of institute of road transport contribution amount and earned leave salary together with interest at the rate of 18% per annum from the date of his retirement from 30/11/2012 to till the date of payment within the time that may be stipulated by this Court.

Prayer in W.P.No.15878/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of 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 31.12.2014, 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 Court.



For petitioners : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman
Standing counsel for TNSTC

COMMON ORDER

WEB COPY These petitioners were the employees 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.

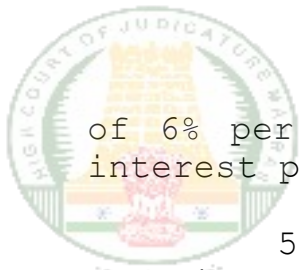
3. For ready reference, the judgment, dated 12.06.2015, passed by the Hon'ble Division Bench in **W.A. (MD).Nos.383 to 457 of 2015**, is extracted hereunder:

"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.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager
The TamilNadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Trichy

3.The General Manager,
TamilNadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.

+7cc to Mr.A.Rahul, Advocate SR.NOs.47237 to 47243

+7cc to Mr.D.Sivaraman, Advocate SR.No.47217 to 47223

akv

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W.P(MD).Nos.15872 to 15878 of 2016