

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.12.2016

CORAM:

THE HON'BLE **MR.JUSTICE R.SURESH KUMAR**

WEB COPY

W.P(MD)Nos.23634 to 23638, 23641 to 23644 & 23653 to 23658 of 2016

M.MUTHUSAMY	... PETITIONER in WP(MD) No.23634 of 2016
M.JAYARAJ	... PETITIONER in WP(MD) No.23635 of 2016
N.BALASUBRAMANIAN	... PETITIONER in WP(MD) No.23636 of 2016
R.SETHUPATHY	... PETITIONER in WP(MD) No.23637 of 2016
M.DHARMALINGAM	... PETITIONER in WP(MD) No.23638 of 2016
M.RAJENDRAN	... PETITIONER in WP(MD) No.23641 of 2016
S.JEGANATHAN	... PETITIONER in WP(MD) No.23642 of 2016
A.RAMAN	... PETITIONER in WP(MD) No.23643 of 2016
R.VASUDEVAN	... PETITIONER in WP(MD) No.23644 of 2016
R.GANESAN	... PETITIONER in WP(MD) No.23653 of 2016
C.PANDIDURAI	... PETITIONER in WP(MD) No.23654 of 2016
R.BASKAR	... PETITIONER in WP(MD) No.23655 of 2016
J.SUNDAR	... PETITIONER in WP(MD) No.23656 of 2016
R.DHANALAKSHMI	... PETITIONER in WP(MD) No.23657 of 2016
N.KANNAN	... PETITIONER in WP(MD) No.23658 of 2016

-VS-

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KARAIKUDI REGION,
REP. BY ITS GENERAL MANAGER,
KARAIKUDI.



- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23634 of 2016

WEB COPY

- 1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
PUDUKOTTAI REGION,
REP. BY ITS GENERAL MANAGER,
PUDUKOTTAI.
- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23635 of 2016
- 1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KARAIKUDI REGION,
REP. BY ITS GENERAL MANAGER,
KARAIKUDI.
- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23636 of 2016
- 1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM REGION, KUMBAKONAM.
- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23637 of 2016
- 1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION ,
REP. BY ITS GENERAL MANAGER,
TRICHY.



2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23638 of 2016

WEB COPY

THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM REGION,
REP. BY GENERAL MANAGER,
KUMBAKONAM. ... RESPONDENT in WP(MD) No.23641 of 2016

THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION,
REP. BY ITS GENERAL MANAGER,
TRICHY. ... RESPONDENT in WP(MD) No.23642 of 2016

THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION,
REP. BY ITS GENERAL MANAGER,
TRICHY. ... RESPONDENT in WP(MD) No.23643 of 2016

THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION,
REP. BY ITS GENERAL MANAGER,
TRICHY. ... RESPONDENT in WP(MD) No.23644 of 2016

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM REGION, KUMBAKONAM.

2 THE ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST,
ANNA SALAI, THIRUVALLUVAR ILLAM,
CHENNAI - 2 ... RESPONDENTS in WP(MD) No.23653 of 2016

1 THE MANAGEMENT OF TAMILNADU
STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.
REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM REGION, KUMBAKONAM.



2 THE ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST,
ANNA SALAI, THIRUVALLUVAR ILLAM,
CHENNAI - 2 ... RESPONDENTS in WP(MD) No.23654 of 2016

WEB COPY

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST,
ANNA SALAI,
CHENNAI - 2 ... RESPONDENTS in WP(MD) No.23655 of 2016

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23656 of 2016

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM REGION, KUMBAKONAM.

2 THE ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23657 of 2016

1 THE MANAGEMENT OF TAMIL NADU STATE
TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT EMPLOYEES PENSION FUND TRUST
THIRUVALLUVAR ILLAM ,
ANNA SALAI,
CHENNAI-2. ... RESPONDENTS in WP(MD) No.23658 of 2016



Prayer in WP(MD) No.23634 of 2016: To issue a Writ of Mandamus, directing the 1st Respondent to pay the petitioner Rs.5,10,698/- towards Gratuity, Rs.1,77,449/- towards Leave Salary and also arrears of wages for the month of September, 2013 payable pursuant new wage settlement dated 13.04.15, together with 18% interest per annum, and further directing the respondents to pay him arrears of pension for the period from 01.10.13 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., September 2013 by revising the same as per the settlement dated 15.04.2015 as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA(MD)No.1457/15 and etc., batch.

Prayer in WP(MD) No.23635 of 2016: To issue a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.3,08,991/- towards Gratuity and Rs.3,28,022/- towards Leave Salary together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4,21,077/- for the period from 31.07.2014 to 22.09.2014 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,44,350/- towards the pension Commutation and also 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 the month of his retirement i.e., July, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA(MD)No.1457/15 and etc., batch.

Prayer in WP(MD) No.23636 of 2016:

To issue a Writ of Mandamus, directing the 1st Respondent to pay the petitioner Rs.5,88,046/- towards Gratuity, together with 18% interest per annum and further directing the respondents to pay him Rs.2,66,097/- towards the Pension Commutation and also arrears of pension for the period from 01.03.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension based on the monthly wages payable to him on the month on his retirement i.e February, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA (MD)No.1457/15 and etc., batch.

Prayer in WP(MD) No.23637 of 2016:

To issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.9,28,595/- towards Gratuity Rs.6,33,617/- towards Leave Salary and Rs.1,46,219/- towards encashment of Leave On Personal Affairs, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs.4,74,825/- for the period from 31.08.16 to 21.09.17 at the rate as per EPF Scheme and further directing the



respondents to pay him Rs.3,52,285/- towards the Pension Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Honourable Court.

Prayer in WP(MD) No.23638 of 2016:

To issue a Writ of Mandamus, directing the 1st Respondent to pay the petitioner Rs.8,28,104/- towards Gratuity, Rs. 6,34,129/- towards Leave Salary and Rs.1,48,818/- towards encashment of Leave on Personal Affairs, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees contribution amount Rs.6,25,244/- for the period from 30.09.16 to 23.10.17 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.3,32,295/- towards the Pension Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

Prayer in WP(MD) No.23641 of 2016:

To issue a Writ of Mandamus, directing the respondent to pay the petitioner Rs.5,99,798/- towards Gratuity and Rs.4,08,431/- towards Leave Salary, together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

Prayer in WP(MD) No.23642 of 2016:

To issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.6,21,682/- towards Gratuity and Rs.1,87,394/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs.2,80,000/- for the period from 31.07.2016 to 22.08.2017 at the rate as per EPF Scheme together, within a time frame as may be fixed by this Honble court.

Prayer in WP(MD) No.23643 of 2016:

To issue a Writ of Mandamus, directing the respondent to pay the petitioner Rs. 7,23,194/- towards Gratuity and Rs. 1,37,949/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs. 4,24,245/- for the period from 31.07.16 to 21.07.17 at the rate as per EPF scheme together, within a time frame as may be fixed by this Honble Court and thus render justice.

Prayer in WP(MD) No.23644 of 2016:

To issue a Writ of Mandamus directing the respondent to pay the petitioner Rs. 7,59,273/- towards Gratuity and Rs.1,38,516/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs.5,08,779/- for the period from 31.08.16 to 21.09.17 at the rate as per EPF Scheme together, within a time

Prayer in WP(MD) No.23653 of 2016:

To issue a writ of Mandamus directing the 1st respondent to pay the petitioner Rs.3,16,881/- towards Gratuity and Rs.1,43,937/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2,98,620/- for the period from 31.07.15 to 12.06.16 at the rate as per EPF scheme and further directing the respondents to pay him Rs.1,32,998/- towards the Pension commutation, together with 18% interest per annum , within a time frame.

Prayer in WP(MD) No.23654 of 2016:

To issue a writ of Mandamus directing the 1st respondent to pay the petitioner Rs.7,87,299/- towards Gratuity and Rs.5,21,882/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.5,03,250/- for the period from 31.03.16 to 22.09.16 at the rate as per EPF scheme and further directing the respondents to pay him Rs.3,16,625/- towards the Pension commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD) No.23655 of 2016:

To issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs. 3,84,909/- towards Gratuity, Rs. 1,428/- towards Leave Salary, Rs. 50,000/- towards Social Security Scheme benefit and Rs. 5,000/- towards Refundable Deposits, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs,. 2,47,607/- for the period from 31.05.16 to 21.03.17 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,51,683/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD) No.23656 of 2016:

To issue a Writ of Mandamus directing the 1st Respondents to pay the petitioner Rs.6,34,171/- towards Gratuity and Rs.1,45,133/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs.3,80,542/- for the period from 31.07.16 to 21.07.17 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,54,445/- towards the Pension Commutation, together with 18% interest per annum.

Prayer in WP(MD) No.23657 of 2016:

To issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.3,23,212/- towards Gratuity and Rs.3,14,558/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs.3,04,829/- for the period from 31.07.16 to 22.08.17 at the rate as per EPF Scheme and further directing the



respondents to pay her Rs.1,17,027/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD) No.23658 of 2016:

To issue a Writ of Mandamus, directing the 1st respondents to pay the petitioner Rs. 5,62,110/- towards Gratuity, Rs. 2,26,418/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employees Contribution amount Rs. 3,14,815/- for the period from 30.09.16 to 23.10.17 at the rate as per EPF Scheme and further directing the respondents to pay him Rs. 2,32,345/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.

For Petitioner : Mr.S.Arunachalam, Advocate for
Petitioners in all Writ Petitions

For R1 : Mr.D.Sivaraman, Advocate for R1 in
WP(MD)Nos.23634 to 23638, 23641 to
23644 and 23653 to 23658 of 2016

For R2 : Mr.A.P.Muthupandian Advocate for R2 in
WP(MD)Nos.23634 to 23638 and
23653 to 23658 of 2016

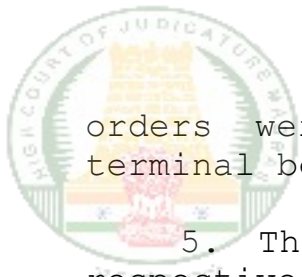
C O M M O N O R D E R

The prayer in these writ petitions is for a Writ of Mandamus directing the respondents to settle the terminal benefits of the petitioners.

2. Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

3. The learned counsel appearing for the petitioners would contend that the prayer sought for in these writ petitions can be considered by this Court as the issue has already been raised and decided by this Court in a batch of writ petitions and according to them, these writ petitions are covered by the said decisions. The learned counsel appearing for the petitioners would rely upon the decision of this Court made in *W.P.(MD).No.20945 of 2016* dated 01.11.2016 in the matter of *J.Vincent Raj vs. the Tamil Nadu State Transport Corporation (Tirunelveli) Limited*.

4. The learned Standing counsel appearing for the respondents would contend that the issue raised in these writ petitions is covered by the said decision of this Court and in number of cases



orders were issued, directing the respondents to settle the terminal benefits of the employees.

5. This Court has considered the submissions made by the respective learned counsel for the parties and perused the order dated 01.11.2016 made in W.P.(MD).No.20945 of 2016, wherein this Court has passed the following order:

"4. In these circumstances, this writ petition is disposed of with the following directions:-

i) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

ii) The first installment shall commence by making payment on or before the First week of January, 2017 and the amount in each of the remaining instalments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

(iv) 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, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled. No costs."

6. The learned Standing counsel appearing for the respondents would contend that the first installment as per clause (ii) of the aforesaid order shall commence in this case, only in the month of February 2017.

7. In view of the said submissions as well as the order cited supra, the same order is passed in these cases also with the following directions:

i) A direction is issued to the Transport Corporation to settle the terminal benefits of the petitioners that are yet to be settled, in twelve equal monthly installments;

ii) The first installment shall commence by making payment on or before the First week of February, 2017 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

(iv) 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.



8. With these directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

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

+15 cc's to M/s.D.Sivaraman, Advocate in SR.No.77427 to 77441
+15 cc's to M/s.S.Arunachalam, Advocate in SR.No. 80113 to 80117,
80122 to 80125 and 80135 to 80140

akv

CSL/MPA/23.01.2017 : 10P/32C

**W.P(MD)Nos.23634 to 23638, 23641 to 23644 &
23653 to 23568 of 2016
05.12.2016**