

**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.23639 & 23640 of 2016

M.Muthiah ... Petitioner in W.P.(MD).No.23639/2016
P.Shanmugam ... Petitioner in W.P.(MD).No.23640/2016

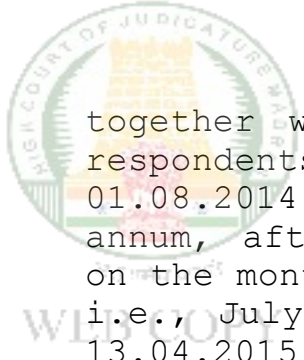
Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Tirunelveli)
Limited,
Tirunelveli Region,
represented by its Managing Director,
Tirunelveli
2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

... Respondents

Prayer in W.P.(MD).No.23639/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the first respondent to pay the petitioner Rs.5,18,487/- towards Gratuity, Rs.93,662/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.4,29,115/- for the period from 31.01.2014 to 23.01.2015 at the rate as per EPF Scheme and further directing the respondents to pay him 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 in its order dated 29.01.2016 in W.A.(MD).No.1457 of 2015 and etc., batch.

Prayer in W.P.(MD).No.23640/2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the first respondent to pay the petitioner Rs.5,32,477/- towards Gratuity, Rs.1,83,783/- towards E.P.F. Employee's contributions and Rs.1,109/- towards Leave Salary



together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.08.2014 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., 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 in its order dated 29.01.2016 in W.A.(MD).No.1457 of 2015 and etc., batch.

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

The prayer in both the 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
- 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;

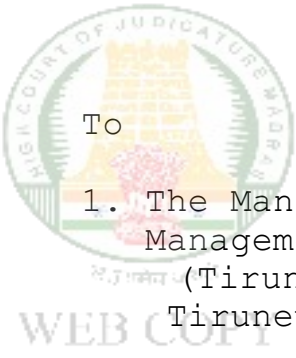
(iv) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled.

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

Sd/-

Assistant Registrar(Cr1.side)

/True copy/



To

1. The Managing Director,
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.

+2 cc's to M/s.K.Sathiya Singh, Advocate in SR.Nos.79664 & 79665
+2 cc's to M/s.S.Arunachalam, Advocate in SR.Nos.80118 & 80121

akv

CSL/EM-MPA/28.12.2016: 4P/7C

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05.12.2016