

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

DATED: 05.12.2016

CORAM:

WEB COPY

THE HON'BLE **MR.JUSTICE R.SURESH KUMAR****W.P(MD)Nos.23645 to 23652 and 23659 of 2016**

P.Balasundaram	... Petitioner in W.P.(MD).No.23645/2016
C.Palanichamy	... Petitioner in W.P.(MD).No.23646/2016
N.Muthumani	... Petitioner in W.P.(MD).No.23647/2016
P.Vasagar	... Petitioner in W.P.(MD).No.23648/2016
S.Kannan	... Petitioner in W.P.(MD).No.23649/2016
G.Erwin Joans	... Petitioner in W.P.(MD).No.23650/2016
V.Sivamani	... Petitioner in W.P.(MD).No.23651/2016
M.Ganesan	... Petitioner in W.P.(MD).No.23652/2016
M.Palanivel	... Petitioner in W.P.(MD).No.23659/2016

Vs.

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

... Respondents in all WPs

Prayer in WP(MD). 23645/ 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.6,14,908/- towards gratuity, Rs.2,15,532/- towards leave salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.1998 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.2,69,915/- towards the pension commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD). 23646/ 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



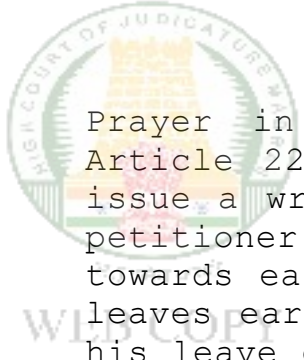
petitioner Rs. 6,54,594/- towards Gratuity, Rs. 2,50,553/- towards Leave Salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs. 2,79,457/- towards the Pension commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD). 23647/ 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.5,88,652/- towards Gratuity, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2,46,942/- for the period from 30.09.15 to 03.10.16 at the rate as per E.P.F. Scheme and further directing the respondents to pay him Rs.2,25,314/- towards the Pension Commutation, together with 18% per annum, within a time frame.

Prayer in WP(MD). 23648/ 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.5,51,145/- towards Gratuity, Rs.4,38,688/- towards E.P.F. Employees Contributions Rs.2,20,868/- towards Earned Leave Salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.2,27,825/- toward the Pension Commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD). 23649/ 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. 6,65,913/- towards Gratuity, Rs.8,18,573/- towards E.P.F. Employees Contributions and Rs. 4,25,474/- towards Leave Salary, together with 18% interest per annum and further directing the respondents to pay him Rs. 2,67,202/- towards the Pension commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD). 23650/ 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.7,15,885/- towards Gratuity and Rs.2,68,011/- towards earned leave salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.2,97,840/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.



Prayer in WP(MD). 23651/ 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.9,18,498/- towards Gratuity and Rs.3,61,792/- towards earned leave salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.3,29,081/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.

Prayer in WP(MD). 23652/ 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.7,07,037/- towards Gratuity, Rs.4,32,482/- towards E.P.F. Employees Contributions and Rs.2,39,305/- earned leave salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.2,68,207/-towards the Pension Commutation, together with 18% interest per annum, within a time frame.

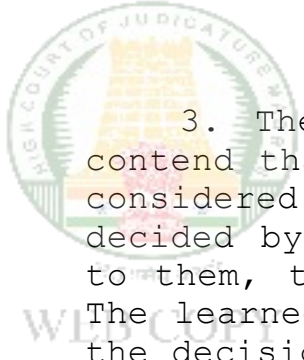
Prayer in WP(MD). 23659/ 2016 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to pay the petitioner Rs.6,72,542/- towards Gratuity, Rs.1,50,889/- towards Leave Salary, apart from paying wages for the sick leaves earned by him in his service before 31.08.98 and stood in his leave credit, together with 18% interest per annum and further directing the respondents to pay him Rs.2,79,457/- towards the Pension Commutation, together with 18% interest per annum, within a time frame.

For Petitioner	: Mr.S.Arunachalam
in all WPs	
For R1	: Mr.A.Jeyaraman
in all WPs	Standing Counsel for TNSTC
For R2	: Mr.A.P.Muthupandian
in all WPs	Standing Counsel for TNSTC

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.

<https://hcservices.courts.gov.in/hcservices> 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

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(Records)

/True Copy/

Sub Assistant Registrar

To

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

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

+9 cc to MR.S.ARUNACHALAM, Advocate SR.Nos.80126 to 80130, 80132 to 80134 & 80141

W.P(MD)Nos.23645 to 23652 and 23659 of 2016

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