

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

DATED: 07.12.2016

CORAM:

WEB COPY

THE HON'BLE **MR.JUSTICE R.SURESH KUMAR****W.P(MD) No.23720 to 23724 of 2016**

T.Boothalingam Pillai	... Petitioner in
	W.P.No.23720/16
G.Subbiyan	... Petitioner in
	W.P.No.23721/16
S.Vaithiyalingam	... Petitioner in
	W.P.No.23722/16
C.Gopalakrishnan	... Petitioner in
	W.P.No.23723/16
S.Lakshmanan	... Petitioner in
	W.P.No.23724/16

Vs.

- 1.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Limited,
Thiruvalluvar Illam Pallavan Salai
Chennai -600 002
- 2.The Branch Manager,
State Express Transport Corporation
(Tamilnadu) Limited,
Kanyakumari Branch, Kanyakumari. ... Respondents in 1 & 2
all Writ petitions
- 3.The Administrator
The Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan salai
Chennai -600 002 ... Respondents in
W.P.Nos.23720 to 23722/16

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to pay the Encashment of Leave Salary, Difference of Gratuity, Social Security Scheme benefits, Employees Provident Fund and Medical Engineering and Polytechnic Colleges Contributions with 18% interest per annum to the petitioners within a stipulated period.



For Petitioners : Mr.G.Vellaichamy
For R1 and R2 : Mr.K.Sathiya Singh
Standing Counsel for TNSTC

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COMMON ORDER

The prayer in the writ petitions is for a Writ of Mandamus directing the respondents to pay the Encashment of Leave Salary, Difference of Gratuity, Social Security Scheme benefits, Employees Provident Fund and Medical Engineering and Polytechnic Colleges Contributions with 18% interest per annum to the petitioners within a stipulated period.

2. The learned counsel appearing for the petitioners would contend that the prayer sought for in the writ petition 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 him, this writ petition is 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*.

3. The learned Standing counsel appearing for the respondents would contend that the issue raised in the writ petition 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.

4. 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
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."

5. 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.

6. In view of the said submissions as well as the order cited supra, the same order is passed in this case 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.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Limited,
Thiruvalluvar Illam Pallavan Salai
Chennai -600 002.

2.The Branch Manager,
State Express Transport Corporation
(Tamilnadu) Limited,
Kanyakumari Branch, Kanyakumari.



3.The Administrator

The Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan salai
Chennai-600 002.

+5 cc to MR.K.SUDALAIYANDI, Advocate SR.Nos.79743 to 79746

+5 cc to MR.G.VELLAICHAMY, Advocate SR.Nos.79614 to 79618

+5 cc to MR.K.SATHIYA SINGH, Advocate SR.Nos.79629 to 79633

W.P(MD) Nos.23720 to 23724 of 2016

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SMA/SKS-RR/02.01.2017:4P/19C