



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.4068 to 4070 and 4103 to 4109 of 2016

G.RAVI ... PETITIONER in WP(MD) No.4068 of 2016
R. JEYARAM ... PETITIONER in WP(MD) No.4069 of 2016
K.SHAHUL HAMEED ... PETITIONER in WP(MD) No.4070 of 2016
P. PANDIYAN ... PETITIONER in WP(MD) No.4103 of 2016
C.SEKAR ... PETITIONER in WP(MD) No.4104 of 2016
K. MANI ... PETITIONER in WP(MD) No.4105 of 2016
G.SIVAPUNNIYAM ... PETITIONER in WP(MD) No.4106 of 2016
A. GEORGE ... PETITIONER in WP(MD) No.4107 of 2016
P.GOVINDARASU ... PETITIONER in WP(MD) No.4108 of 2016
T.DAVID ... PETITIONER in WP(MD) No.4109 of 2016

-VS-

- 1 THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.
REP. BY ITS MANAGING DIRECTOR, MADURAI
- 2 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002
... RESPONDENTS in WP(MD) No.4068 of 2016
- 1 THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.
REP. BY ITS MANAGING DIRECTOR , MADURAI
- 2 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002
... RESPONDENTS in WP(MD) No.4069 of 2016
- 1 THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.
REP. BY ITS MANAGING DIRECTOR , MADURAI
- 2 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002
... RESPONDENTS in WP(MD) No.4070 of 2016



WEB COPY

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS, FORT ST.GEORGE
CHENNAI-9.

2 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD.
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORP
(KUMBAKONAM) LTD. KUMBAKONAM REGION
KUMBAKONAM.

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORP. PENSION
FUND TRUST , THIRUVALLUVAR HOUSE, PALLAVAN SALAI ,
CHENNAI- 600 002.
... RESPONDENTS in WP(MD) No.4103 of 2016

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS, FORT ST.GEORGE
CHENNAI-9.

2 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD. REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM.

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORP
(KUMBAKONAM) LTD. KUMBAKONAM REGION
KUMBAKONAM.

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORP. PENSION
FUND TRUST, THIRUVALLUVAR HOUSE, PALLAVAN SALAI ,
CHENNAI- 600 002.
... RESPONDENTS in WP(MD) No.4104 of 2016

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS, FORT ST.GEORGE
CHENNAI-9.



2 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD.
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORP
(KUMBAKONAM) LTD. PUDUKOTTAI REGION
PUDUKOTTAI.

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORP. PENSION
FUND TRUST , THIRUVALLUVAR HOUSE , PALLAVAN SALAI,
CHENNAI- 600 002.
... RESPONDENTS in WP(MD) No.4105 of 2016

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT, TRANSPORT
DEPARTMENT AND CHAIRMAN OF BOARD OF
DIRECTORS OF STATE TRANSPORT UNDERTAKINGS
FORT.ST.GEORGE , CHENNAI 9

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

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. KUMBAKONAM REGION
KUMBAKONAM

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002
... RESPONDENTS in WP(MD) No.4106 of 2016

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT,
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS , FORT ST.GEORGE
CHENNAI-9.

2 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD.
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. TRICHY REGION TRICHY.



4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORP. PENSION
FUND TRUST THIRUVALUVAR HOUSE, PALLAVAN SALAI ,
CHENNAI- 600 002.

... RESPONDENTS in WP(MD) No.4107 of 2016

WEB COPY

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT AND CHAIRMAN OF BOARD OF
DIRECTORS OF STATE TRANSPORT UNDERTAKING
FORT.ST.GEORGE CHENNAI 9

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

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. PUDUKOTTAI REGION
PUDUKOTTAI

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002

...RESPONDENTS in WP(MD) No.4108 of 2016

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS, FORT ST.GEORGE
CHENNAI-9.

2 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD.
REP. BY ITS MANAGING DIRECTOR , KUMBAKONAM.

3 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. NAGAPATTINAM REGION
NAGAPATTINAM

4 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION,
PENSION FUND TRUST , THIRUVALUVAR HOUSE,
PALLAVAN SALAI, CHENNAI- 600 002.



Prayer in WP(MD) No.4068 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Gratuity and Leave Salary with enhanced dearness allowance and dearness allowance arrears on monthly pension 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 Hon'ble Court.

Prayer in WP(MD) No.4069 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Gratuity, the Commuted Value of Pension, Leave Salary, Leave on private affairs with enhanced dearness allowance and dearness allowance arrears on his monthly pension as revised and increased from time to time 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 Hon'ble Court.

Prayer in WP(MD) No.4070 of 2016:

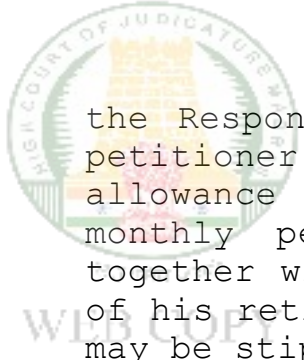
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015, Gratuity, the Commuted Value of Pension, Leave Salary with enhanced dearness allowance and dearness allowance arrears on the petitioner monthly pension as revised and increased from time to time 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 Hon'ble Court.

Prayer in WP(MD) No.4103 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Gratuity, Leave Salary with enhanced dearness allowance and dearness allowance arrears on the Petitioner monthly pension as revised and increased from time to time 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 Hon'ble Court.

<https://hdservices.courts.gov.in/services/> Prayer in WP(MD) No.4104 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing



the Respondents to pay all the terminal benefits payable to the petitioner including Gratuity, Leave Salary with enhanced dearness allowance and dearness allowance arrears on the petitioner monthly pension as revised and increased from time to time 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 Hon'ble Court.

Prayer in WP(MD) No.4105 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Salary arrears in terms of settlement under section 12(3) of the Industrial Disputes Act dated 13.04.2015, Gratuity, the Commuted Value of Pension, Leave Salary 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 Hon'ble Court.

Prayer in WP(MD) No.4106 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015, Gratuity, the Commuted value of Pension, Leave salary 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 Hon'ble Court.

Prayer in WP(MD) No.4107 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Salary arrears in terms of settlement under section 12(3) of the Industrial Disputes Act dated 13.04.2015, Gratuity, the Commuted Value of Pension, Earned Leave Salary with enhanced dearness allowance and dearness allowance arrears on his monthly pension as revised and increased from time to time 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 Hon'ble Court.

Prayer in WP(MD) No.4108 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including salary arrears in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015, Gratuity, the Commuted value of Pension, Refund of Institute of Road Transport Contribution, Leave Salary 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 Hon'ble Court.

Prayer in WP(MD) No.4109 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay all the terminal benefits payable to the petitioner including Gratuity, the Commuted Value of Pension, Cholan Employees Security Scheme amount, Leave Salary, Refund of contribution towards Institute of Road Transport with enhanced dearness allowance at and dearness allowance arrears on his monthly pension as revised and increased from time to time 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 Hon'ble Court.

For Petitioner	: Mr.A.Rahul in all WP's
For Respondents	: Mr.A.P.Muthupandian,
	Standing Counsel in WP(MD)Nos.4068 to 4070/2016
For Respondent No.1	:Mr.R.Anandharaj,
	Government Advocate in WP(MD)Nos.4103 to 4109/2016
For RR2 to 4	:Mr.D.Sivaraman, Advocate,
	TNSTC in WP(MD)Nos.4103 to 4109/2016

COMMON ORDER

The prayer in the writ petitions is to direct the respondents to pay retirement benefits with interest to the petitioners.

2.It is stated that though the petitioners were allowed to retire from the service of the respondents, till date the respondent Corporation has not settled the retirement benefits. Hence, the petitioners have given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the said representations, the petitioners have come up with the above writ petitions.

3.When the matter is taken up for hearing, Mr.A.P.Muthupandian, learned Standing Counsel appearing for the respondents has submitted that the issue is covered by a judgment, passed by the Honourable Division Bench 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.

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

"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 instalments, carrying interest

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 instalments, 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 instalments to be paid from July 2015 and each instalment should be paid on or before 7th of each month"

5.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 installments commencing from 10th April 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 could be 18% for the delayed period.

6.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 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.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1 THE SECRETARY TO GOVERNMENT, THE STATE OF TAMIL NADU
TRANSPORT DEPARTMENT
AND CHAIRMAN OF BOARD OF DIRECTORS OF STATE
TRANSPORT UNDERTAKINGS, FORT ST.GEORGE
CHENNAI-9.

2 THE MANAGING DIRECTOR, THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUM) LTD. , KUMBAKONAM.



- 3 THE MANAGING DIRECTOR,
THE TAMIL NADU STATE TRANSPORT
CORPORATION (MADURAI) LTD. , MADURAI
- 4 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. NAGAPATTINAM REGION
NAGAPATTINAM
- 5 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORP
(KUMBAKONAM) LTD. KUMBAKONAM REGION
KUMBAKONAM.
- 6 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORP
(KUMBAKONAM) LTD. PUDUKOTTAI REGION
PUDUKOTTAI.
- 7 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE
PALLAVAN SALAI, CHENNAI 600 002
- 8 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD. TRICHY REGION TRICHY.

+10ccs to Mr.A.Rahul, Advocate, SR.Nos.11430 to 11439

+7ccs to Mr.D.Sivaraman, Advocate, SR.Nos.11553 to 11559

sms

RL/26C/JGB/DP/10/3/2016

Writ Petition (MD) Nos.4068 to 4070
and 4103 to 4109 of 2016
29/02/2016