



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM :

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

Writ Petition (MD) Nos.8556 to 8563 of 2016

|                   |                                      |
|-------------------|--------------------------------------|
| K.Ganesan         | ... Petitioner IN WP(MD)No.8556/2016 |
| A.Subramanian     | ... Petitioner IN WP(MD)No.8557/2016 |
| R.Durairaj        | ... Petitioner IN WP(MD)No.8558/2016 |
| R.Veeramani       | ... Petitioner IN WP(MD)No.8559/2016 |
| P.Ekamparam       | ... Petitioner IN WP(MD)No.8560/2016 |
| E.Balasubramanian | ... Petitioner IN WP(MD)No.8561/2016 |
| P.Thottiyen       | ... Petitioner IN WP(MD)No.8562/2016 |
| M.Savarimuthu     | ... Petitioner IN WP(MD)No.8563/2016 |

Vs.

1.The Managing Director,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Trichy Region, Rep by its  
General Manager, Trichy.

2.The Administrator,  
The Tamil Nadu State Transport  
Corporation Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai, Chennai - 2. ... Respondents in All WPS.

These Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus,

**a) Prayer in WP(MD)No.8556/2016 :** directing the 1st respondent to pay the petitioner Rs.3,48,404/- towards gratuity and Rs.1,17,500/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.14 payable pursuant new wage settlement together with 18% interest per annum along with interest amount towards the delay period from 31.03.14 to 21.07.14 in paying EPF Employee's Contribution amount Rs.1,61,068/- at the rate as per EPF scheme and further directing the respondents to pay him Rs.1,60,824/- towards the pension commutation amount and arrears of pension for the period from 01.04.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/pension benefits based on the same on the month of his retirement i.e, March 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Hon'ble Division Bench of this Court



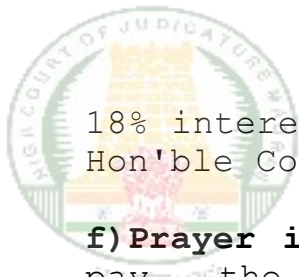
in its order dated 29.01.2016 in W.A.(MD)No.1457 of 2015 and etc., batch.

**b) Prayer in WP(MD). 8557/ 2016 :** directing the 1st respondent to pay the petitioner Rs.3,67,651/- towards gratuity and Rs.1,53,693/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.07.14 payable pursuant new wage settlement, together with 18% interest per annum, and further directing the respondents to pay him Rs.1,68,286/- towards the pension commutation amount and 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 Hon'ble Division Bench of this Court in its order dated 29.01.2016 in W.A.(MD) No.1457 of 2015.

**c) Prayer in WP(MD). 8558/ 2016 :** directing the 1st respondent to pay the petitioner Rs.4,77,260/- towards gratuity and Rs.33,286/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 30.04.15 to 23.01.16 in paying EPF Employee's Contribution amount Rs.2,30,399/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,05,424/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

**d) Prayer in WP(MD). 8559/ 2016 :** directing the 1st respondent to pay the petitioner Rs.3,83,864/- towards Gratuity and Rs.2,14,294/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 31.05.15 to 22.04.16 in paying EPF Employee s Contribution amount Rs.1,60,956/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,12,899/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

**e) Prayer in WP(MD). 8560/ 2016 :** directing the 1st respondent to pay the petitioner Rs.5,00,495/- towards Gratuity and Rs.89,726/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 30.09.15 to 20.06.16 in paying EPF Employee's Contribution amount Rs.2,63,319/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,12,255/- towards the Pension Commutation amount together with



18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

**f) Prayer in WP(MD). 8561/ 2016 :** directing the 1st respondent to pay the petitioner Rs.5,75,070/- towards Gratuity and Rs.2,12,537/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 30.09.15 to 20.06.16 in paying EPF Employee s Contribution amount Rs.2,87,246/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,93,270/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

**g) Prayer in WP(MD). 8562/ 2016 :** directing the 1st respondent to pay the petitioner Rs.4,57,550/- towards Gratuity and Rs.2,94,262/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 30.09.15 to 20.06.16 in paying EPF Employee s Contribution amount Rs.2,57,914/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.1,94,576/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

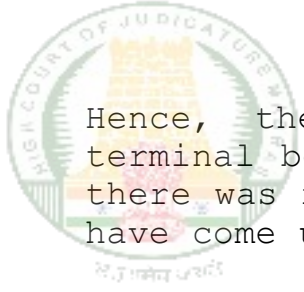
**h) Prayer in WP(MD). 8563/ 2016 :** directing the 1st respondent to pay the petitioner Rs.6,08,919/- towards Gratuity and Rs.3,20,045/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant new wage settlement, together with 18% interest per annum, along with interest amount towards the delay period from 30.11.15 to 27.06.16 in paying EPF Employee s Contribution amount Rs.4,57,720/- at the rate as per EPF Scheme and further directing the respondents to pay him Rs.2,59,970/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

|                 |                               |
|-----------------|-------------------------------|
| For Petitioner  | : Mr.S.Arunachalam in all WPs |
| For Respondents | : Mr.D.Sivaraman in all WPs   |

#### COMMON ORDER

The prayer in the writ petitions is for the issue of a writ of mandamus to direct the respondents to pay retirement benefits with interest to the petitioners.

<https://hcservices.ecourts.gov.in/Hcservices> 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, they 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. D. Sivaraman, 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:

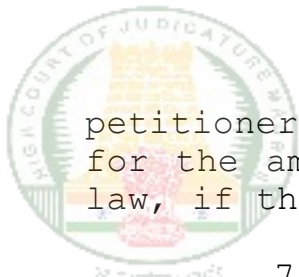
*"The learned Additional Advocate General submits that he has obtained written instructions vide letter No. 7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.*

*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 installments, 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 installments to be paid from July 2015 and each installment 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 10<sup>th</sup> June 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, they are 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, the writ petitions are disposed of. No costs.

Sd/-  
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

sms

To,

1. The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Trichy Region, Trichy.

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

+8CC to Mr.D.Sivaraman Advocate Sr.No.25185 to 25192  
+8CC to Mr.S.Arunachalam Advocate Sr.No.24034 to 25040

GJM/SS/18.5.16-5p-19C

Writ Petition (MD) Nos.8556 to 8563 of 2016  
28.04.2016