

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. Nos.12133 to 12140 of 2017

P.Nagammal .. Petitioner in W.P.No.12133/2017
T.Velusamy .. Petitioner in W.P.No.12134/2017
P.Kuppusamy .. Petitioner in W.P.No.12135/2017
P.Marimuthu .. Petitioner in W.P.No.12136/2017
E.N.Dhamodharasamy .. Petitioner in W.P.No.12137/2017
I.Perumal .. Petitioner in W.P.No.12138/2017
T.Velusamy .. Petitioner in W.P.No.12139/2017
R.Dharamarajan .. Petitioner in W.P.No.12140/2017

Vs.

- 1.The Management of
Tamilnadu State Transport
Corporation [Kovail] Ltd.,
Rep. by its Managing Director,
Coimbatore.
- 2.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 600 002.... Respondents in all WPs.

PRAYER in W.P.No.12133 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.2,61,870/- towards encashment of 279 days of earned leave and 75 days of sick leave and Rs.35,438/- towards balance of gratuity payable for the services her husband/deceased employee V.K.Ponnusamy, Staff No.75TS1/003951, together with 18% interest per annum, along with interest amount towards delayed payment of part of the gratuity amount Rs.4,96,572/- for the period from 31.08.2012 to 13.05.2015 at same rate and further directing the respondents to pay her interest amount towards the delayed payment of pension commutation amount Rs.2,33,261/- for the period from 01.08.2012 to 16.06.2015 at the rate of 18% p.a., within a time frame as may be fixed by this Court.

PRAYER in W.P.No.12134 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.2 91 796/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.2 57 524/- for the period from 31.03.14 to 22.07.14 at same rate and further directing the respondents to pay him Rs.1 26 755/- towards the Pension Commutation and arrears of pension for the period from 01.04.14 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. Mar 2014 by revising the same as per the settlement dated 13.04.15

PRAYER in W.P.No.12135 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.5 98 894/- towards Gratuity and Rs.2 50 584 towards encashment of 145.5 days of Earned Leaves 33.5 days Sick Leaves and 45 days of Already Surrendered Earned Leaves together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.04.14 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 petitioner retirement i.e. Mar 2014 by revising the same as per the settlement dated 13.4.15

PRAYER in W.P.No.12136 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.6 43 310/- towards Gratuity and Rs.1 17 233 towards encashment of 55 days Sick Leaves and 45 days of Already Surrendered Earned Leaves together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.7 49 245/- for the period from 31.05.14 to 15.09.14 at the same rate and further directing the respondents to pay him Rs.2 82 872/- towards the Pension Commutation and arrears of pension for the period from 01.06.14 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. May, 2014 by revising the same as per the settlement dated 13.04.15, as ordered by the Hon'ble Division Bench of this court in its order dated 29.01.16 in W.A.(MD).No.1457/15 and etc., batch,

PRAYER in W.P.No.12137 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner

Rs.5 01 738/- towards Gratuity and Rs.538 towards encashment of 0.5 day of Sick Leave together with 18% interest per annum along with interest amounts towards the delayed payment of EPF Employees Contribution amount Rs.2 ,89, 211/- for the period from 31.05.14 to 19.09.14 at the same rate and further directing the respondents to pay him Rs.2,25,314/- towards the pension commutation and arrears of pension for the period from 01.06.14 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. May 2014 by revising the same as per the settlement dated 13.04.15

PRAYER in W.P.No.12138 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.6 25 300/- towards Gratuity Rs.2 30 128/- towards EPF Employees Contribution and Rs.1 59 436 towards encashment of 85.5 days of Earned Leaves 2.5 days of Sick Leaves and 45 days of Already Surrendered Earned Leaves together with 18% interest per annum and further direct the respondents to pay him Rs.2 58 332/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

PRAYER in W.P.No.12139 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.7, 47, 279/- towards Gratuity Rs.3 ,13 ,759/- towards EPF Employees Contribution and Rs.3 69 294 towards encashment of 215 days of Earned Leaves and 57 days of Sick Leaves together with 18% interest per annum and further directing the respondents to pay him Rs.2 ,92 ,116/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

PRAYER in W.P.No.12140 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.6 ,88, 558/- towards Gratuity Rs.3 ,23, 487/- towards EPF Employees Contribution and Rs.1 52 755 towards encashment of 22 days of Earned Leaves 29.5 days of Sick Leaves and 60 days of Already Surrendered Earned Leaves together with 18% interest per annum and further directing the respondents to pay him Rs.2, 68 ,608/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

For Petitioner : Mr.V.Ajoy Khose
[in W.P.No.12133 to
12140 of 2017]

For Respondents : Mr.P.Kannan Kumar
[in W.P.No.12133 to
12140 of 2017] Standing Counsel

C O M M O N O R D E R

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioner's husband, namely, V.K.Ponnusamy in W.P.No.12133 of 2017 and the petitioners in W.P.Nos.12134 to 12140 of 2017 joined the services of the Transport Corporation and V.K.Ponnusamy died in the year 2014 and other petitioners have retired from service long back. The grievance of the petitioners is that though, they retired from service long back, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar

Haryana Bijli Vitran Nigam Ltd and Others (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 instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from first week of July 2017.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sri
To

- 1.The Managing Director,
The Management of
Tamilnadu State Transport
Corporation [Kovai] Ltd.,
Coimbatore.
- 2.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 600 002.

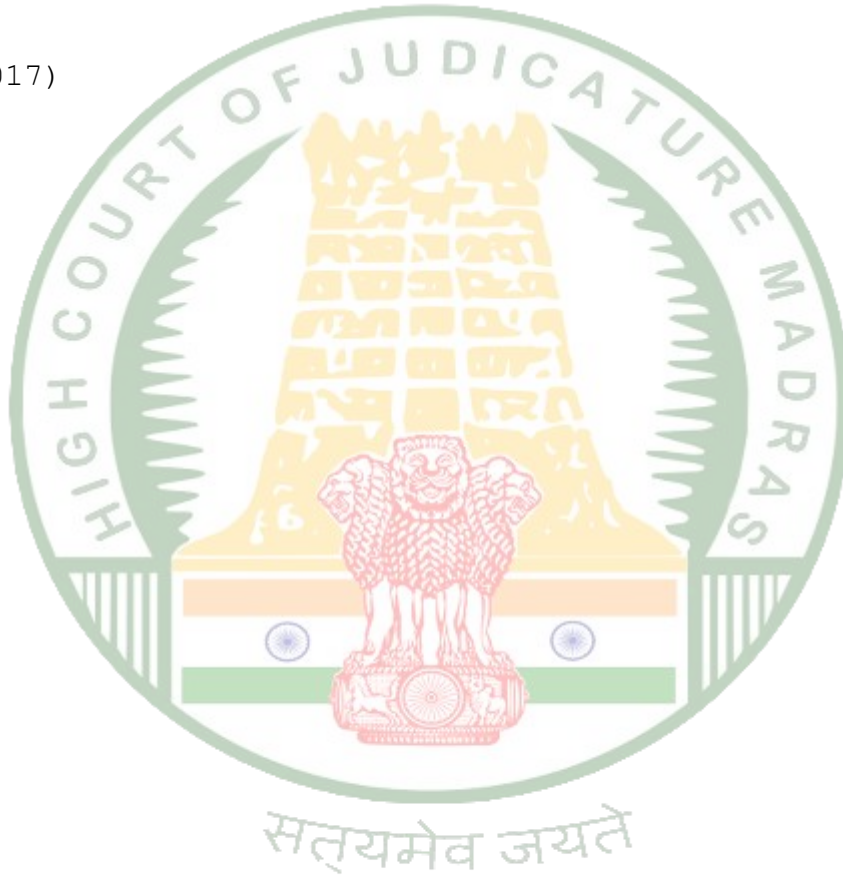
3.The General Manager,
The Management of
Tamilnadu State Transport
Corporation [Kovai] Ltd.,
Coimbatore.

+1cc to Mr.P.Kannankumar,Advocate sr.40252

+8cc to Mr.V.Ajoy Khose,Advocate sr.39682

W.P. Nos.12133 to 12140 of 2017

msm(co)
ss(20/6/2017)



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