

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.43444 to 43453 of 2016

A.Paramasivam .. Petitioner in W.P.No.43444 of 2016
G.Gnanasekaran .. Petitioner in W.P.No.43445 of 2016
T.Ranganathan .. Petitioner in W.P.No.43446 of 2016
M.Ganapathy .. Petitioner in W.P.No.43447 of 2016
P.Subramanian .. Petitioner in W.P.No.43448 of 2016
R.Rajendran .. Petitioner in W.P.No.43449 of 2016
V.Vaithiyanathan .. Petitioner in W.P.No.43450 of 2016
T.Perumal .. Petitioner in W.P.No.43451 of 2016
A.Gunasekaran .. Petitioner in W.P.No.43452 of 2016
P.Arivalagan .. Petitioner in W.P.No.43453 of 2016

-vs-

1. Tamil Nadu State Transport
Corporation (Villupuram) Limited
rep.by its Managing Director
3/137, Salamedu
Villupuram 605 602

2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore

3. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust
Thiruvalluvar Illam, Pallavan Salai
Chennai 600 002.

... Respondents in all the writ petitions

W.P.No.43444 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.3,58,020/- towards gratuity, a sum of Rs.4,602/- towards arrears of difference in D.A.payable along with monthly pension for 13 months due to the increase in D.A., and revised monthly pension based on such increased D.A., as revised from time to time, from October 2016 with arrears, monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears and interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43445 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.3,74,220/- towards gratuity; a sum of Rs.4,662/- towards difference in D.A. payable along with monthly pension due to increase in D.A. from 2015 and revised monthly pension based on the increased D.A. as revised from time to time from November 2016 with arrears; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service / terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43446 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.4,19,673/- towards gratuity; a sum of Rs.10,044/- towards difference in Commuted value of pension; a sum of Rs.78,829/- towards earned leave salary for 85 days; a sum of Rs.44,141/- towards arrears of difference in pension for 37 months from the date of retirement based on the correct salary payable to him as per the settlement as on the date of his retirement and revised monthly pension based on such correct pay with corresponding D.A. from November, 2016 with arrears; a sum of Rs.3,991/- towards arrears of difference in D.A. payable along with monthly pension due to the increase D.A. for 10 months and revised monthly pension based on such increased D.A., as revised from time to time, from November, 2016 with arrears, a sum of Rs.800/- towards arrears of wages and D.A.payable to the

petitioner as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 30.9.2013; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43447 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.4,30,350/- towards gratuity; a sum of Rs.1,82,160/- towards earned leave salary for 184 days; a sum of Rs.11,150/- towards difference in commuted value of pension payable as per the salary payable to him as per the settlement dt. 13.4.2015 as on the date of retirement a sum of Rs.800/- towards arrears of wages due to 5.5% increase in wage and due to 6% increase in D.A., for one month; a sum of Rs.4,914/- towards arrears of difference in pension due to increase in D.A. payable to him for 13 months and revised pension based on the increased D.A. as revised from time to time from October 2016 with arrears; a sum of Rs.41,440/- towards arrears of difference in pension for 37 months as per the correct salary payable to him as per the settlement dated 13.4.2015 with corresponding revision of monthly pension based on such salary from October 2016 with arrears; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43448 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.4,87,200/- towards gratuity; a sum of Rs.12,054/- towards the difference in commuted value of pension; a sum of Rs.84,132/- towards earned leave salary for 81 days; a sum of Rs.1,285/- towards D.A arrears payable to him for the years 2013 and 2014; a sum of Rs.58,435/- towards arrears of difference in pension for 31 months and revised pension from October 2016 based on the correct salary payable to him as per the settlement as on the date of his retirement with arrears; a sum of Rs.5,699/- towards arrears of difference in wages and D.A payable to him as per the settlement dated 13.4.2015 from 1.9.2013 to 28.2.2014; a sum of Rs.10,540/- towards unpaid HRA; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears, together with interest at the rate

of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43449 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.8,66,856/- towards gratuity; a sum of Rs.2,13,306/- towards earned leave salary for 146 days; a sum of Rs.3,434/- towards D.A.arrears payable to him for 3 months before his retirement; a sum of Rs.2,228/- towards difference in pension due to increase in D.A. for 4 months from July 2016 to Oct. 2016 and to pay him monthly pension based on the increased D.A. as revised from time to time; a sum of Rs.10,000/- towards arrears to be paid as per the settlement dt. 13.4.2015; monthly pension payable under the Post Retirement Benefit Scheme from July 2016 with arrears, together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43450 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.5,00,113/- towards gratuity; a sum of Rs.88,452/- towards difference in commuted value of pension; a sum of Rs.2,10,997/- towards earned leave salary for 235 days; a sum of Rs.60,970/- towards old medical leave salary for 65 days; a sum of Rs.19,260/- towards arrears of salary payable to him as per the settlement dt. 13.04.2015 and due to increase in DA; a sum of Rs.23,472/- towards difference in Pension payable to the Petitioner based on the salary payable to the petitioner as per the settlement dated 13.04.2015 as on the date of retirement for 12 months and revised pension based on such correct salary from Oct.2016; a sum of Rs.930/- towards difference in D.A., payable along with monthly pension and revised monthly pension based on the revised and increased D.A., from Oct.2016 with arrears; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43451 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.3,81,328/- towards gratuity; a sum of Rs.84,328/- towards

difference in commuted value of pension; a sum of Rs.78,540/- towards earned leave salary for 77 days; a sum of Rs.55,041/- towards arrears of difference in pension for 21 months from the date of retirement based on the correct salary payable to him as per the settlement as on the date of his retirement and revised monthly pension based on such correct pay with corresponding D.A from October 2016 with arrears; a sum of Rs.3,851/- towards arrears of difference in D.A. payable along with monthly pension due to the increase in D.A. for 13 months and revised monthly pension based on such increased D.A., as revised from time to time, from October 2016 with arrears, a sum of Rs.11,440/- towards arrears of wages and D.A.payable to the petitioner as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 30.11.2014; monthly pension payable under the Post Retirement Benefit Scheme from June, 2016 with arrears; together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43452 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.7,90,468/- towards gratuity; a sum of Rs.14,570/- towards earned leave salary for 10 days; a sum of Rs.4,568/- towards D.A. arrears payable to him for 4 months prior to his retirement; a sum of Rs.3,312/- towards arrears of difference in pension due to increase in D.A for 6 months upto October 2016 and to pay him revised pension with the increased D.A. as revised from time to time from November 2016 with arrears; a sum of Rs.10,000/- towards arrears of wages payable to him as per the settlement dt. 13.4.2015 monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

W.P.No.43453 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.6,51,998/- towards gratuity, a sum of Rs.2,70,618/- towards commuted value of pension; a sum of Rs.3,18,960/- towards earned leave salary for 240 days; a sum of Rs.31,896/- towards medical leave salary for 24 days; a sum of Rs.485/- towards difference salary due to 6% increase in D.A. Payable to the Petitioner before his retirement; a sum of Rs.2,425/- towards difference in pension due to 6% increase in D.A. for 5

months and revised monthly pension based on the increased D.A. as revised from time to time with arrears monthly pension payable under the Post Retirement Benefit Scheme from June 2016 with arrears together with interest at the rate of 12% per annum for the above benefits and also to pay the petitioner interest for the belated payment of service/terminal benefits including the belated payment of the commuted value of pension which were already paid to the petitioner.

For Petitioners:: Mr.V.Ajoy Khose

For Respondents:: Mr.Venkataramani
Additional Advocate General
assisted by Mr.P.Kannankumar
for the Transport Corporation

ORDER

The petitioners, having retired from service as Conductor/Driver/Foreman/Security Guard in the respondent Corporation on 31.1.2013, 31.3.2013, 30.9.2013, 30.9.2013, 28.2.2014, 30.6.2016, 31.8.2014, 30.11.2014, 30.4.2016, 30.4.2016, respectively, have filed these writ petitions seeking a direction to the respondents to settle all the retirement benefits payable to them, as prayed for in the petitions, with interest at 12% per annum.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannankumar, learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions also.

3. This Court, recording the statement made by the learned Additional Advocate General for the respondents, taking note of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioners through twelve equal monthly

instalments carrying interest of 6% p.a. The instalments should commence from June, 2017 and each of the instalments should be paid on or before 7th of each month. In case of any delay in 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 petitioners for such non-payment of the instalments. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
3/137, Salamedu
Villupuram 605 602.
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore.
3. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust
Thiruvalluvar Illam, Pallavan Salai
Chennai 600 002.

+10cc to Mr.V.Ajoy Khose, Advocate Sr.20143
+2cc to Mr.P.Kannankumar, Advocate Sr.20269

W.P.Nos.43444 to 43453 of 2016

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