

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.43454 to 43458 and 43460 to 43462 of 2016

P.Lakshmanasamy	.. Petitioner in W.P.No.43454 of 2016
P.Duraisamy	.. Petitioner in W.P.No.43455 of 2016
S.Natarajan	.. Petitioner in W.P.No.43456 of 2016
T.Narendran	.. Petitioner in W.P. No.43457 of 2016
S.Selvaraj	.. Petitioner in W.P. No.43458 of 2016
S.Rajendran	.. Petitioner in W.P. No.43460 of 2016
R.Jayachandran	.. Petitioner in W.P. No.43461 of 2016
C.Lashmanan	.. Petitioner in W.P. No.43462 of 2016

-vs-

1. The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,rep. By its
Managing Director, Coimbatore.

2.The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai
Chennai 600 002

.. Respondents in all the writ petitions

W.P.No.43454 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.4,82,515/- towards gratuity, a sum of Rs.1,044/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.1,92,957/- for the period from 28.02.2014 to 17.06.2014 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2,16,675/- towards the Pension Commutation and arrears of pension for the period from 01.03.2014 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. February 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43455 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.5,66,142/- towards gratuity, a sum of Rs.1,66,774/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.4,95,882/- for the period from 31.10.2013 to 17.01.2016 at the rate as per EPF scheme and further directing the respondents to pay him arrears of pension for the period from 01.11.2013 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. October 2013 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43456 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.6,90,795/- towards gratuity, a sum of Rs.1,235/- towards leave salary together with 18% interest per annum and further directing the respondents to pay him Rs.3,10,296/- towards the Pension Commutation and arrears of pension for the period from 01.12.2013 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. November 2013 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43457 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.4,98,075/- towards gratuity, a sum of Rs.2,15,671/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.3,65,614/- for the period from 28.02.2014 to 17.06.2014 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2,24,309/- towards the Pension Commutation and arrears of pension for the period from 01.03.2014 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. February 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43458 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.6,74,792/- towards gratuity together with 18% interest per annum along with interest amount towards the delayed payment of

EPF Employee's Contribution amount Rs.3,74,827/- for the period from 31.03.2014 to 21.07.2014 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2,57,895/- towards the Pension Commutation 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 monthly wages payable to him 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 Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43460 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.7,83,158/- towards gratuity and a sum of Rs.3,60,457/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.6,24,262/- for the period from 31.08.2014 to 17.04.2015 at the rate as per EPF scheme and further directing the respondents to pay him arrears of pension for the period from 01.09.2014 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. August 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43461 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.6,79,790/- towards gratuity, a sum of Rs.27,350/- towards leave salary together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.11.2014 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. October 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

W.P.No.43462 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner a sum of Rs.6,53,918/- towards gratuity and a sum of Rs.3,49,093/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.1,18,464/- for the period from 30.11.2014 to 17.03.2015 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2,55,553/- towards the Pension Commutation and arrears of pension for the period from 01.12.2014 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. November 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

For Petitioners :: Mr.V.Ajoy Khose

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

ORDER

The petitioners, having retired from service as Special Grade Conductor/Senior Grade Tradesman/Senior Grade Checking Inspector/Tradesman in the respondent Corporation on 28.02.2014, 31.10.2013, 30.11.2013, 28.02.2014, 31.03.2014, 31.08.2014, 31.10.2014, 30.11.2014, 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 18% 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.

Speaking/Non speaking order

07.04.2017

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Index : yes/no

vga

T.RAJA, J.

vga

To

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Tamil Nadu State Transport Corporation
(Kovai) Ltd.,rep. By its
Managing Director, Coimbatore.

2.The Administrator,
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Thiruvalluvar Illam, Anna Salai
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