

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. Nos.44500 to 44511 of 2016 (12 WPs)

|                            |                                |
|----------------------------|--------------------------------|
| C. Arulanandasamy          | Petitioner in WP No.44500/2016 |
| V. Subramaniam             | Petitioner in WP No.44501/2016 |
| S. Balasubramanian         | Petitioner in WP No.44502/2016 |
| A. Arukutty                | Petitioner in WP No.44503/2016 |
| K. Easparan                | Petitioner in WP No.44504/2016 |
| A.P. Subramanian           | Petitioner in WP No.44505/2016 |
| P. Selvam                  | Petitioner in WP No.44506/2016 |
| A. Mathivanan              | Petitioner in WP No.44507/2016 |
| R. Balan                   | Petitioner in WP No.44508/2016 |
| R. Palaniyappan            | Petitioner in WP No.44509/2016 |
| K. Krishnasamy             | Petitioner in WP No.44510/2016 |
| G. Sivasankara Subramanian | Petitioner in WP No.44511/2016 |

vs.

The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.  
represented by its Managing Director  
Erode Region  
Erode

R1 in WP Nos.44505 & 44511/2016

The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.  
represented by its Managing Director  
Coimbatore

R1 in W.P.Nos.44500 to 44504 & 44506 to  
44510 of 2016

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

R2 in all WPs

Prayer in W.P. No.44500 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.51,621/- towards leave salary and Rs.46,748/- towards balance of gratuity, together with 18% interest per annum, along with interest amount towards delayed payment of part of the

gratuity amount of Rs.4,47,499/- for the period from 30.04.2011 to 12.01.2013 at 18% per annum and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,71,421/- for the period from 01.05.2011 to 12.09.2012 at the rate of 18% p.a.

Prayer in W.P. No.44501 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.96,690/- towards leave salary, together with 18% interest per annum, along with interest amount towards delayed payment of gratuity amount of Rs.3,69,697/- for the period from 30.06.2012 to 12.05.2015 as per Section 7(3A) of the Payment of Gratuity Act and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,09,041/- for the period from 01.07.2012 to 05.11.2013 at the rate of 18% p.a. within a time frame.

Prayer in W.P. No.44502 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.1,45,156/- towards leave salary, together with 18% interest per annum, along with interest amount towards delayed payment of gratuity amount of Rs.4,83,263/- for the period from 30.06.2012 to 08.05.2015 as per Section 7(3A) of the Payment of Gratuity Act and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,42,893/- for the period from 01.07.2012 to 23.10.2013 at the rate of 18% p.a. within a time frame.

Prayer in W.P. No.44503 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.6,17,373/- towards gratuity and Rs.2,66,873/- towards leave salary, together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount of Rs.1,64,906/- for the period from 30.09.2012 to 20.11.2012 at the rate as per EPF scheme and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,47,156/- for the period from 01.10.2012 to 24.10.2013 at the rate of 18% per annum within a time frame.

Prayer in W.P. No.44504 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.1,64,530/- towards leave salary together with 18% interest per annum, along with interest amount towards the delayed payment of gratuity amount of Rs.5,65,728/- for the period from 31.08.2012 to 21.03.2016 as per Section 7(3A) of the Payment of Gratuity Act and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,84,279/- for the period from 01.09.2012 to 24.10.2013 at the rate of 18% p.a. within a time frame.

Prayer in W.P. No.44505 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.6,73,763/- towards gratuity and Rs.13,462/- towards leave salary together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount of Rs.2,20,562/- for the period from 31.10.2012 to 22.12.2012 at the rate as per EPF scheme and further direct the respondents 1 and 2 to pay interest amount towards the delayed payment of part of pension commutation amount of Rs.2,53,943/- for the period from 01.11.2012 to 26.10.2013 and Rs.37,569/- as balance of commutation with interest for the period from 01.11.2012 to till the date of payment, both at the rate of 18% per annum, within a time frame.

Prayer in W.P. No.44506 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.7,69,347/- towards gratuity and Rs.2,74,314/- towards leave salary together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees contribution Rs.3,09,550/- for the period from 31.07.2013 to 08.10.2013 at the rate as per EPF scheme and further direct the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount Rs.3,09,191/- for the period from 01.08.2013 to 25.10.2013 at the rate of 18% p.a. within a time frame.

Prayer in W.P. No.44507 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.5,79,903/-

towards gratuity and Rs.78,755/- towards leave salary, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees contribution amount Rs.3,27,819/- for the period from 31.08.2013 to 16.11.2013 at the rate as per EPF scheme and further directing the respondents 1 and 2 to pay interest amount towards the delayed payment of pension commutation amount of Rs.2,52,984/- for the period from 01.09.2013 to 25.10.2013 at the rate of 18% p.a. within a time frame.

Prayer in W.P. No.44508 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.4,64,781/- towards gratuity and Rs.2,24,144/- towards EPF Employees contributions, together with 18% interest per annum and further directing the respondents to pay Rs.1,76,996/- towards the pension commutation, together with interest at 18% per annum within a time frame.

Prayer in W.P. No.44509 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.6,76,412/- towards gratuity, Rs.3,04,211/- towards EPF employees contributions and Rs.1,88,166/- towards leave salary together with 18% interest per annum and further directing the respondents to pay Rs.2,80,060/- towards pension commutation together with 18% interest per annum within a time frame.

Prayer in W.P. No.44510 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.8,58,428/- towards gratuity, Rs.4,87,030/- towards EPF Employees contributions and Rs.5,08,195/- towards leave salary, together with 18% interest per annum and further directing the respondents to pay Rs.3,25,593/- towards pension commutation together with 18% interest per annum within a time frame.

Prayer in W.P. No.44511 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pay the petitioner Rs.6,33,176/- towards gratuity, Rs.3,04,773/- towards EPF Employees contributions, Rs.3,74,468/- towards leave salary, Rs.50,000/- towards Social Security Scheme benefit and Rs.5,000/- towards refundable deposits, together with 18%

interest per annum and further directing the respondents to pay him Rs.2,62,782/- towards the pension commutation, together with interest @ 18% per annum within a time frame.

|                 |                     |
|-----------------|---------------------|
| For petitioner  | Mr. V. Ajoy Khose   |
| in all WPs      |                     |
| For respondents | Mr. P. Kannan Kumar |
| in all WPs      | Standing Counsel    |

#### COMMON ORDER

Inasmuch as the issue involved in all these writ petitions is one and the same, these writ petitions are considered and decided by this common order.

2 The petitioners, having retired from service as Senior Grade Tradesman/Special Grade Driver/Senior Grade Checking Inspector/Foreman/Special Grade Conductor/Selection Grade Driver/Special Grade Driver in the respondent Corporation on 30.04.2011, 30.06.2012, 30.06.2012, 30.09.2012, 31.08.2012, 31.10.2012, 31.07.2013, 31.08.2013, 30.11.2015, 31.10.2015, 30.04.2016 and 31.03.2016 respectively, have filed these writ petitions seeking a writ of mandamus directing the respondents to settle all their terminal benefits such as gratuity, EPF Employees contribution, leave salary, social security scheme benefit fund, pension commutation, etc. with interest, as prayed for by them in the writ petitions.

3 The learned Standing Counsel for the Transport Corporation submitted that since there has been a direction issued by a Division Bench in identical cases in W.A.(MD) Nos.383 to 457 of 2015 [K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited, represented by its Managing Director, Madurai and others] vide judgment dated 12.06.2015 directing the Transport Corporation to disburse all the retiral benefits in 12 equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions also.

4 This Court, recording the statement made by the learned Standing Counsel for the respondent Corporation and taking note of the judgment dated 12.06.2015 of the Division Bench in W.A.(MD) Nos.383 to 457 of 2015 referred to above, directing the respondents therein to settle all the retirement benefits in 12 equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioners in 12 equal monthly instalments carrying interest at the rate of 6% p.a. The instalments shall commence from July, 2017 and each of the instalments should be paid on or before 7<sup>th</sup> of each month. In case of any delay in payment of 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 the above direction, these writ petitions are disposed of. Costs made easy.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Kovai) Ltd, Erode Region,  
Erode.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Kovai) Ltd,  
Coimbatore.
- 3.The Administrator,  
TamilNadu State Transport Employees  
Pension Fund Trust  
Tiruvalluvar Illam,  
Annasalai Chennai 600 002.

+13ccs to Mr.P. Kannankumar, Advocate Sr. 26531 to 26534,  
26542 to 26549

+1cc to Mr.Ajoy Khose, Advocate Sr. 25864

Common order in  
W.P. Nos.44500 to 44511 of 2016 (12 WPs)

MG(CO)  
VR(11/5/2017)