

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.44610 to 44617 of 2016

N.Duraisamy .. Petitioner in W.P.No.44610 of 2016
N.Subramanian .. Petitioner in W.P.No.44611 of 2016
M.Sait .. Petitioner in W.P.No.44612 of 2016
V.Mahalingam .. Petitioner in W.P.No.44613 of 2016
M.Santha .. Petitioner in W.P.No.44614 of 2016
M.Shanmugasundaram .. Petitioner in W.P.No.44615 of 2016
R.Rathinasamy .. Petitioner in W.P.No.44616 of 2016
V.Vijayan .. Petitioner in W.P.No.44617 of 2016

-vs-

- 1.The Management of
Tamil Nadu State Transport Corporation
(Kovai) Limited,
Rep. By its Managing Director,
Erode Region,
Erode. ..1st Respondent in W.P.44610,44611/16
- 2..The Management of
Tamil Nadu State Transport Corporation
(Kovai) Limited,
Rep. By its Managing Director,
Coimbatore.
..1st Respondent in W.P.44612/16,44613 to 44617/16
- 2.The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2. ..II Respondent in all the WP's.

Prayer in W.P.No.44610 of 2016 :-Petitions under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.5,01,415/- towards Gratuity, Rs.1,70,824/- towards Leave

Salary and also arrears of wages for the period from 01.09.2013 to 31.01.2014 payable pursuant to new wage settlement dated 13.04.2015, together with 18% interest per annum and further directing the respondents to pay him Rs.2,33,852/- towards pension commutation and arrears of pension for the period from 01.02.2014 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. January, 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.1457/15 and etc. batch.

Prayer in W.P.No.44611/16:

Directing the 1st respondents to pay the petitioner Rs.6 81 583/- towards Gratuity and arrears of wages for the period from 01.09.13 to 28.02.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.3 03 001/- for the period from 28.02.14 to 17.06.14 at the rate as per E.P.F. Scheme and further directing the respondents to pay him Rs.3 29 583/- towards the Pension Commutation pension for the month of March 2014 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. February, 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.1457/15 and etc. batch, and thus render Justice.

Prayer in W.P.No.44612/16:

Directing the 1st respondents to pay the petitioner Rs.6 94 817/- towards Gratuity and Rs.53 121/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.3 74 535/- for the period from 30.06.14 to 13.10.14 at the rate as per E.P.F Scheme and further directing the respondents to pay him Rs.2 58 064/- towards the Pension Commutation and arrears of pension for the period from 01.07.14 by revision 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. June 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.1457/15 and etc. batch, and thus render Justice.

Prayer in W.P.No.44613/16:

Directing the 1st respondents to pay the petitioner Rs.5 17 846/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 66 353/- for the period from 31.05.14 to 15.09.14 at the rate as per E.P.F Scheme and further directing the respondents to pay him Rs.2 13 636/- 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 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch, and thus render Justice.

Prayer in W.P.44614/16:

Directing the 1st respondents to pay the petitioner the amounts payable as retirement benefits for the services of her husband/ deceased retired employee C.Muniyandi namely Rs.4 79 318/- towards Gratuity Rs.2 38 625/- towards E.P.F. Employees Contributions Rs.63 527/- towards Leave Salary and also arrears of wages for the period from 1.9.2013 to 13.11.2014 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay her arrears of pension for the period from 14.11.2014 to 30.6.2015 together with 18% interest per annum within a time frame as may be fixed by this Honourable Court

Prayer in W.P.No.44615/16:

Directing the 1st respondents to pay the petitioner Rs.8 77 754/- towards Gratuity and Rs.4 95 612/- towards Leave Salary together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 1.2.2015 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. January 2015 by revising the same as per the Settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its Order dated 29.1.2016 in W.A. (MD) No.1457/2015 and etc. batch

Prayer in W.P.No.44616/16:

Directing the 1st respondents to pay the petitioner Rs.5 39 862/- towards Gratuity and Rs.3 442/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 83 369/- for the period from 28.2.2015 to 14.10.2015 at the rate as per E.

P.F Scheme and further directing the respondents to pay him arrears of pension for the period 1.3.2015 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 2015 by revising the same as per the Settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its Order dated 29.1.2016 in W.A. (MD) No.1457/2015 and etc. batch

Prayer in W.P.No.44617/16:

Directing the 1st respondents to pay the petitioner Rs.6 61 392/- towards Gratuity and Rs.2 42 652/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.6 93 561/- for the period from 31.3.2015 to 3.11.2015 at the rate as per E.P.F Scheme and further directing the respondents to pay him arrears of pension for the period from 1.4.2015 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 2015 by revising the same as per the Settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its Order dated 29.1.2016 in W.A. (MD) No.1457/2015 and etc. batch

For Petitioners :: Mr.V.Ajoykhose

For Respondents :: Mr.P.Kannankumar

COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the respondents to settle their retirement benefits i.e Provident Fund, Gratuity, Earned Leave, etc.

2. Heard the learned counsel for the petitioners. Mr.P.Kannankumar, learned counsel takes notice on behalf of the respondents.

3. Since the issues involved in all these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.44610 of 2016 are stated below:

The petitioner joined as Conductor on 15.12.1985 and after rendering 29 years of unblemished service, he retired from service on 31.01.2014 on attaining the age of superannuation.

4. Now, the only grievance of the petitioners is that their retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

5. Since the issue is squarely covered by the various orders passed by this Court, in the light 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), these writ petitions are disposed of with a direction to the respondents to settle the entire terminal 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. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

rkm

To

1.The Management of
Tamil Nadu State Transport Corporation
(Kovai) Limited,
Rep. By its Managing Director,
Erode Region,
Erode.

2..The Management of
Tamil Nadu State Transport Corporation
(Kovai) Limited,
Rep. By its Managing Director,
Coimbatore.

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

+2cc to Mr.P.Kannan Kumar, Advocate sr.21555

+8cc to Mr.V.AjoyKhose,Advocate sr.20141

W.P.Nos.44610 to 44617 of 2016

ss1(co)

ss(20/4/2017)