



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.8623 to 8634 of 2016

WEB COPY

T.RAJAMANI	... Petitioner in WP(MD)No.8623/2016
R.MURUGANANTHAM	... Petitioner in WP(MD)No.8624/ 2016
G.SATHIAMOORTHY	... Petitioner in WP(MD)No.8625/ 2016
V.NAGARAJU	... Petitioner in WP(MD)No.8626/ 2016
M.CHIDAMBARAM	... Petitioner in WP(MD)No. 8627/ 2016
V.SELVARAJ	... Petitioner in WP(MD)No. 8628/ 2016
P.MURUGESAN	... Petitioner in WP(MD)No. 8629/ 2016
N.MEENAKSHI SUNDARAM	... Petitioner in WP(MD)No. 8630/ 2016
T.VEERIYAPERUMAL	... Petitioner in WP(MD)No. 8631/ 2016
A.ANGAMUTHU	... Petitioner in WP(MD)No. 8632/ 2016
THIRUMARAN	... Petitioner in WP(MD)No. 8633/ 2016
K.NAGASOUNDARARAJAN	... Petitioner in WP(MD)No. 8634/ 2016

Vs.

1.THE MANAGING DIRECTOR,
THE TAMIL NADU STATE TRANSPORT
CORPORATION(MADURAI) LIMITED,
BYE-PASS ROAD, MADURAI - 625 016.

... Respondent in WP(MD)Nos.8623,
8624,8626,8628,8629 and 8633/2016

R1 in WP(MD)Nos.8625,8627,8630,8631,8632 and 8634/2016

2. THE ADMINISTRATOR
THE TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR HOUSE, PALLAVAN SALAI,
CHENNAI-02.

...R2 in WP(MD)Nos.8625,8627,8630,8631,8632 and 8634/2016



COMMON PRAYER: These Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay leave salary, Gratuity pension Commutation with 18% interest per annum to the petitioner within a stipulated period.

(In All W.Ps)

For Petitioner : Mr.G.Venkataraman

For respondent : Mr.A.P.Muthupandian

COMMON ORDER

This writ petitions have been filed seeking a direction to the respondents to pay retirement benefits along with interest to the petitioners.

2.It is stated that though the petitioners were allowed to retire from the service of the respondents, till date the respondents/ Corporation has not settled the retirement benefits. Hence, the petitioners had given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the same, the petitioners have come up with the above writ petition.

3.When the matter is taken up for hearing, Mr.A.P.Muthupandian, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioners in the light of the judgment passed by the Honourable Division Bench.

4.For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2.The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of delay in making the payment of the installments, 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 installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

5.Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioners in 12 equal monthly installments commencing from 10th June, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable could be 18% for the delayed period.

6.The aforesaid direction to settle the terminal benefits would not preclude the workmen to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled to.

7.The learned counsel for the respondents/Transport Corporation says that against certain employees, there are recoverables from them. So, the above payment may be made subject to recoverables from the employees. The petitioners are also agreeable for the same.

8.With the above direction, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

Pm

To

1.THE MANAGING DIRECTOR,
THE TAMIL NADU STATE TRANSPORT
CORPORATION(MADURAI) LIMITED,BYE-PASS ROAD, MADURAI - 625 016.

2. THE ADMINISTRATOR
THE TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR HOUSE, PALLAVAN SALAI,CHENNAI-02.

+12 cc to Mr.G.Venkataraman, Advocate, SR Nos.24963 to 24974

RG GSV 12.05.2016 3P.15C
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