



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)Nos.5711, 7700, 7944, 8212, 18277, 18278, 19492 and
22480 of 2017

and

W.M.P.(MD)Nos.4564, 5990, 5991, 6158, 6159, 16145, 6310, 14722,
14723 and 15794 of 2017

1 T.PACKIRISAMY, S/O.THIRUGNANAM 54, HAVILDHARCHATHIRAM,
AMMAPETTAI, PAPANASAM TALUK, THANJAVUR DISTRICT.

... Petitioner(s) in WP(MD). 5711/ 2017

1 M.SELVARAJ, S/O.MARIMUTHU CONDUCTOR (RETIRED), STAFF
NO.7224/86DR2222, TNSTC (KUMBAKONAM) LTD., TRICHY MOFFISSAL BRANCH,
RES: C/O.M.RENGASAMY, THNENNAVANALLUR PO, ARIYALUR DIST

... Petitioner(s) in WP(MD). 7700/ 2017

1 K.PREMKUMAR, S/O.KRISHNASAMY 5/295-C, THIRUMURUGAN NAGAR,
ALAGAPATTI ROAD, MUSIRI POST, TRICHIRAPPALLI DISTRICT - 621 211

... Petitioner(s) in WP(MD). 7944/ 2017

1 POONGODI, W/O.LATE K.KANDASAMY, 3/427-A, PALLAR STREET,
KEERAMBUR, THURAIYUR - 621 002, TRICHY DISTRICT.

... Petitioner(s) in WP(MD). 8212/ 2017

1 R.SHINGARAVELU, S/O.K.RENGASMY, SENIOR CONDUCTOR, TNSTC (KUM)
LTD., KUMBAKONAM REGION, 1279, KANAGADURGA NAGAR, MANOJIPATTI PO,
THANJAVUR-613 004.

... Petitioner(s) in WP(MD). 18277/ 2017

1 U.GAJENDIRAN, S/O.R.UTHIRAPATHY, 3.37/C, NADUTHERU,
PONDHIYAKULAM, KOVARTHAKUDI POST, MELATOOR VIA, PAPANASAM TK,
THANJAVUR DISTRICT - 614 301

... Petitioner(s) in WP(MD). 18278/ 2017

1 C.JEYAPRIYA, W/O.LATE. CHAKKARAVARTHY, DRIVER, TNSTC (KUM)
LTD., TRICHY REGION, RES. C/O.K. SUBASH CHANDRABOSE,
S/O.K.GUNALAN, 10, PATTATHAMMAL ST, AIRPORT, TIRCHY-07.

... Petitioner(s) in WP(MD). 19492/ 2017



1 M.RAMALINGAM, S/O.MARIAPPAN, SL GR.CONDR, S.NO.79CR1051/79CR169 (RTD), TNSTC (KUM) LTD. KUM REGN&TOWN-I BR., RES:2/181, KEELATHERU, VAITHIYANATHAPETTAI PO, THIRUVAIYARU TK, THANJAVUR DIST.

WEB COPY

... Petitioner(s) in WP(MD). 22480/ 2017

- Vs. -

1 THE TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER THE TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., KUMBAKONAM REGION, KUMBAKONAM.

... Respondent(s) in WP(MD). 5711/ 2017

1 THE MANAGEMENT OF TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD., REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM

2 THE GENERAL MANAGER TNSTC (KUMBAKONAM) LTD., TRICHY REGION, TRICHY

3 THE ASSISTANT MANAGER (PERSONNEL) TNSTC (KUMBAKONAM) LTD., TRICHY REGION, TRICHY

4 THE ADMINISTRATOR TAMIL NADU STATE TRANSPORT CORPORATION PENSION FUND TRUST, THIRUVALLUVAR ILLAM, PALLAVAN SALAI, CHENNAI 600 002

... Respondent(s) in WP(MD). 7700/ 2017

1 THE MANAGEMENT OF TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER, TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., TRICHY REGION, TRICHY.

3 THE ASSISTANT MANAGER, (PERSONNEL), TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., TRICHY REGION, TRICHY.

4 THE ADMINISTRATOR, TAMIL NADU STATE TRANSPORT CORPORATION PENSION FUND TRUST, THIRUVALLUVAR ILLAM, PALLAVAN SALAI,

CHENNAI - 600 002

... Respondent(s) in WP(MD). 7944/ 2017

1 THE MANAGEMENT OF TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER, TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., TRICHY REGION, TRICHY.

3 THE ASSISTANT MANAGER, (PERSONNEL), TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., TRICHY REGION, TRICHY.



4 THE ADMINISTRATOR, TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR ILLAM, PALLAVAN SALAI,
CHENNAI - 600 002 ... Respondent(s) in WP(MD). 8212/ 2017

1 THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER, THE TAMIL NADU STATE TRANSPORT,
CORPORATION (KUMBAKONAM) LTD., KUMBAKONAM REGION, KUMBAKONAM.

3 THE ADMINISTRATOR, THE TAMIL NADU STATE TRANSPORT, CORPORATION
PENSION FUND TRUST THIRUVALLUVAR HOUSE, PALLAVAN SALAI,
CHENNAI-600 002. ... Respondent(s) in WP(MD). 18277/ 2017

1 THE TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., REP. BY
ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER, THE TAMIL NADU STATE TRANSPORT
CORPORATION (KUM) LTD., KUMBAKONAM REGION, KUMBAKONAM.

3 THE ADMINISTRATOR, TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR HOUSE, PALLAVAN SALAI,
CHENNAI - 600 002 ... Respondent(s) in WP(MD). 18278/ 2017

1 THE TAMIL NADU STATE TRANSPORT CORPORATION (KUM) LTD., REP. BY
ITS MANAGING DIRECTOR, KUMBAKONAM.

2 THE GENERAL MANAGER, THE TNSTC(MAD) LTD., TRICHY REGION,
TRICHY. ... Respondent(s) in WP(MD). 19492/ 2017

1 THE MANAGEMENT OF TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD., REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

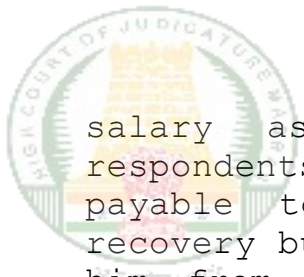
2 THE GENERAL MANAGER, TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD., KUMBAKONAM REGION, KUMBAKONAM.

3 THE ASSISTANT MANAGER (ADMN.,) TAMIL NADU STATE TRANSPORT
CORPORATION (KUMBAKONAM) LTD., KUMBAKONAM REGION, KUMBAKONAM.

4 THE ADMINISTRATOR, TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR ILLAM, PALLAVAN SALAI,
CHENNAI - 600 002. ... Respondent(s) in WP(MD). 22480/ 2017

Prayer in WP(MD). 5711/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a writ of
Declaration declaring the action of the respondents in imposing a
recovery of RS.29,268/- on the petitioner towards unaffected or
non-implemented increment cut and withholding his terminal leave



salary as illegal, arbitrary and consequently direct the respondents to settle and pay him all the terminal benefits payable to him including terminal leave salary without any recovery but with interest at the rate of 18% per annum payable to him from his date of retirement to till the date of actual payment.

Prayer in WP(MD). 7700/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent dated 11.01.2017 in so far as imposing recovery of Rs.5,48,235/- under the heads of unimplemented punishments of increment cut, quash the same as illegal, arbitrary and unconstitutional and consequently direct the respondents to settle the petitioners monthly pension, Gratuity, Commuted Value of Pension, Voluntary Retirement compensation, Refund of his contribution made to Medical, Engineering, Polytechnic Colleges and to Institute of Road Transport without any recovery, but with the interest at the rate of 18% per annum payable from 30.08.2016 to file the date of which the above benefits are settled to him.

Prayer in WP(MD). 7944/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent dated 23.02.2017 in Ref.No.Th.Aa.Po.Ka/Kumba/Trichy/E2/266/2017 dated 23.02.2017 and consequently impugned settlement of accounts issued by the 3rd respondent dated 05.04.2017 quash the same in so far as imposing recovery of Rs.65,837/- and Rs.10,800/- under the head of unimplemented punishment of increment cut and consequently direct the respondents to settle the petitioners Gratuity, Monthly pension from 01.03.2017, Earned leave salary, Salary arrears from 27.02.2014 to 05.06.2015 and Refund of his contributions made to Medical, Engineering , Polytechnic colleges and to Institute of Road Transport without any recovery but with the interest at the rate of 18% per annum payable from 28.02.2017 to the file date on which the above benefit are settled to the petitioner.

Prayer in WP(MD). 8212/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records relating to the impugned settlement of accounts issued by the 3rd respondent dated 12.09.2016 quash the same and consequently directing the respondents to settle death cum terminal benefits of petitioners ~~benefits amount~~ Kandasamy to the petitioner including gratuity, earned leave salary, bonus, family benefit fund, dearness allowance arrears, employees social protection scheme amount and



monthly pension from October 2015 without any recovery together with interest at 18% per annum payable from 15.09.2015.

Prayer in WP(MD). 18277/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration the action of the respondents in imposing recovery of Rs.1,06,020/- on the petitioner towards non-implemented increment cuts and adjusting the said recovery amount from his terminal benefits, quash the same as illegal, arbitrary and consequently direct the Respondents to settle and pay him the eligible terminal benefits payable to him including Earned leave salary, Cholan Employees Security Scheme amount Gratuity, Commuted value of pension, pension arrears from October 2014 to January 2015 and Refund of contribution made to Erode Engineering college, Perunthurai Medical college, Polytechnic and Institute of road Transport amount without any recovery together with interest at the rage of 18% per annum payable to the Petitioner from this date of retirement to till the date of actual payment.

Prayer in WP(MD). 18278/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration, declaring the action of the respondents in imposing recovery of Rs.3,28,860/- on the petitioner towards non implemented increment cuts and adjusting the said recovery amount from the terminal benefits, quash the same as illegal, arbitrary and consequently direct the Respondents to settle and pay him the eligible terminal benefits payable to him including Earned leave salary, Cholan Employees Security Scheme amount, Gratuity, Commuted value of pension, Voluntary Retirement compensation, Pension arrears from January 2015 to may 2016 and refund of contribution made to Erode Engineering College, Perundurai Medical college, Polytechnic and Institute of Road Transport amount without any recovery together date on which the above benefits are settled to the petitioner with interest at the rate of 18% per annum payable to the petitioner from the date of retirement to till the date of actual payment.

Prayer in WP(MD). 19492/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the action of the respondents in imposing recovery of Rs. 3,48,826/- from the death cum terminal benefits of the petitioners husband Late.Chakkaravarthy towards unimplemented punishments of increment cuts and consequently direct the respondents to settle the petitioner, the death cum terminal benefits of her husband including death cum Gratuity, Provident Service, earned leave salary, Family Benefit fund and Refund of her Husbands contribution made to Medical, Engineering, Polytechnic colleges and to Institute of Road Transport and other attendant



benefits without making any recovery together with interest at the rate of 18% per annum payable to the petitioner with effect from 03.11.2012 to till date on which the above benefits are settled to the petitioner with interest at the rate of 18% per annum.

Prayer in WP(MD). 22480/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent dated 27.04.2016 in Ref.No.AD8/RT/04/16, quash the same in so far as imposing recovery of Rs.13,470/- under the head of unimplemented punishment of increment cut and consequently direct the respondents to pay recovery amount of Rs.13,470/- along with other terminal benefits payable to the petitioner with interest at 18% per annum from 01.05.2016 to till the date on which the above amount is paid.

For Petitioner : Mr.A.Rahul
 For Respondents : Mr.D.Sivaraman
 TNSTC Standing Counsel
 (in all Writ Petitions)

COMMON ORDER

The prayer sought for herein is for a Writ of Declaration, declaring the action of the respondents in imposing a recovery of Rs.29,268/- on the petitioner towards "unaffected or non-implemented increment cut" and withholding the terminal leave salary as illegal, arbitrary and consequently direct the respondents to settle and pay all the terminal benefits payable including terminal leave salary without any recovery but with interest at the rate of 18% per annum payable to the petitioner from the petitioner's date of retirement to till the date of actual payment.

2. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr. Mr.D.Sivaraman, learned Standing Counsel for the respondents in all the cases.

3.The issue raised in these writ petitions is that the proposed recovery made on the part of the respondent against the petitioners by withholding the terminal benefits like Leave Salary are illegal and according to the learned counsel for the petitioner, since the issue have been raised in number of cases in a batch of Writ Petitions before this Court, where this Court passed orders in favour of the workmen/ employees.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the petitioner would submit that as against the said orders passed by the learned single judge of this



Court, a batch of Writ Appeals were preferred in W.A.No.465 of 2017 where the Hon'ble Division Bench of this Court dated 30.06.2017, after having analyzed the issue has given the following direction.

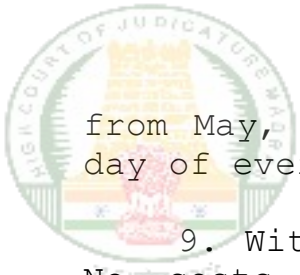
" 39. In the result, the first set of Writ Appeals filed by the Management are dismissed, the second set of Writ Appeals filed by the workmen are partly allowed; and the third and last set of Writ Appeals filed are allowed, with a direction to the Management to settle the entire terminal benefits to the workmen in twelve equated monthly installments together with the simple interest at 6% per annum on the expiry of three months from the date of retirement of the concerned workman, in default, to pay interest at the rate of 18% per annum from the date of retirement till the date of payment. The first monthly installment shall commence from November, 2017 and the terminal benefits shall be paid on or before 10th of the said month, and the remaining installments shall be paid on or before the 10th day of every succeeding month. No costs. Consequently, connected Miscellaneous petitions are closed".

5. The learned counsel for the petitioner would submit that as against the said Hon'ble Division Bench order, though Special Leave Petition was filed by the respondent / management before the Hon'ble Apex Court the said SLP also was dismissed by an order dated 09.02.2018 in SLP Civil No.1755 of 2018. Therefore, the learned counsel for the petitioner would submit that the issue raised in these writ petitions are fully covered by the decision of the said Division bench order. Therefore a similar relief can be given to the petitioners also.

6. The aforesaid submission made by the learned counsel for the petitioner is not disputed or controverted by the Standing Counsel appearing for the respondent and he fairly submits that the issue raised in these writ petitions are covered by the decision of the Hon'ble Division Bench as referred above.

7. In view of the said submissions made by the learned counsel for the petitioners/ parties that the issue raised in these writ petitions is covered by the decisions of the Hon'ble Division Bench, this writ petitions are allowed with the following terms.

8. The petitioners shall be entitled to salary or any retirement benefits which shall not be withheld by the respondent corporation and if the same is withheld, it shall be paid to the petitioner with 6% interest from the date of due till the date of payment of benefits with interest as indicated above shall be made by the respondent to the petitioners in 12 equal monthly installments. The first such installment shall commence



from May, 2018 and every month it shall be paid on or before 10th day of every succeeding English calendar month.

9. With this direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WLB COPY

/True copy/

Sd/
Assistant Registrar (Crl side)

Sub Assistant Registrar

+8cc to Mr.A. RAHUL, Advocate, SR.No. 60619, 60618, 60617, 60616, 60615, 60614, 60613, 60611

+1cc to Mr.D.SIVARAMAN, Advocate, SR.No.60991

W.P.(MD)Nos.5711, 7700, 7944,
8212, 18277, 18278, 19492
and 22480 of 2017
10.04.2018

PNN
KK/SV MMS/SAR-2/22.05.2018/8P-10C