

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.16236, 16250, 16257, 16264,
16270, 16282 and 16287 of 2019

1 V.KOTHANDAN ... PETITIONER in WP No.16236 of 2019
1 D. VENKATESAN ... PETITIONER in WP No.16250 of 2019
1 V.BALAKRISHNAN ... PETITIONER in WP No.16257 of 2019
1 M.ADHIMANI ... PETITIONER in WP No.16264 of 2019
1 S.SOUNDAR ... PETITIONER in WP No.16270 of 2019
1 A.SUKUMARAN ... PETITIONER in WP No.16282 of 2019
1 P.GOVINDARAJAN ... PETITIONER in WP No.16287 of 2019

Vs

1 METROPOLITAN TRANSPORT CORPORATION
(CHENNAI) LTD. REP BY ITS MANAGING
DIRECTOR PALLAVAN ILLAM PALLAVAN SALAI
CHENNAI 2 ...1st Respondent in WP.Nos.16236
16250,16257,16264,16270,16282/2019

2 THE ADMINISTRATOR TAMILNADU
STATE TRANSPORT CORPORATIONS EMPLOYEES
PENSION FUND TRUST THIRUVALLUVAR ILLAM
PALLAVAN SALAI CHENNAI 2 ...2nd Respondent in WP.16264
16270,16282/2019 &
3rd Respondent in WP.16287/2019

3 TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD REP BY ITS
MANAGING DIRECTOR 3/137 SALAMEDU
VILLUPURAM

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD KANCHEEPURAM REGION
CHENNAI BANGALORE HIGHWAY PONNERIKARAI
KANCHEEPURAM ...1st & 2nd Respondent in
WP.No.16287 of 2019

WP No.16236 of 2019

Directing the respondent to pay the petitioner a sum of Rs. 25,480/- towards surrender of earned leave which was surrendered in Feb 2016, together with interest amount of Rs.3,949/-, a sum of Rs.28,880/- towards earned leave salary which he surrendered in June 2017, together with a sum of Rs.4,011/- towards interest for the said amount, a sum of Rs.20,000/- payable to the petitioner under Social Welfare Scheme, a sum of Rs.61,100/- towards difference in Salary payable to him for the period from 1.10.2017 to 31.1.2018, together with a sum of Rs.4,583/- towards interest for the said amount and a sum of Rs.38,187/- towards difference in earned leave salary payable to him based on the last drawn salary as per the 7th pay Commission together with a sum of Rs.2,864/- towards interest for the said amount and in total pay the petitioner a sum of Rs.1,86,054/-

WP No.16250 of 2019

Directing the respondent to pay the petitioner a sum of Rs. 7,51,178/- towards difference in Gratuity, together with a sum of Rs.52,582/- towards interest for the said amount, a sum of Rs.6,149/- towards interest for the belated payment of PF, a sum of Rs.25,000/- towards interest for the belated payment of Gratuity which was paid based on the pre amendment ceiling, a sum of Rs.18,999/- towards interest for the belated payment of earned leave salary paid at the time of retirement, a sum of Rs.36,533/- towards earned leave salary which he surrendered in June 2017, together with a sum of Rs.4,201/- towards interest for the said amount, a sum of Rs.20,000/- payable to the petitioner under Social Welfare Scheme; a sum of Rs.1,07,652/- towards difference in salary payable to the petitioner for the period from 01.01.2017 to 31.03.2018, together with a sum of Rs.7,536/- towards interest for the said amount and a sum of Rs.1,43,536/- towards difference in earned leave salary paid to him at the time of retirement together with a sum of Rs.10,048/- towards interest for the said amount and in total to pay him a sum of Rs.11,83,415/-

WP No.16257 of 2019

Directing the respondent to pay the petitioner a sum of Rs. 5,501/- towards interest for the belated payment of PF, a sum of Rs.20,000/- towards interest for the belated payment of Gratuity a sum of Rs.21,187/- towards interest for the belated payment of earned leave salary paid at the time of retirement, a sum of Rs.28,754/- towards earned leave salary which he surrendered in June 2017, together with a sum of Rs.3,163/- towards interest for the said amount, a sum of Rs.20,000/- payable to the petitioner under Social Welfare Scheme, a sum of Rs.47,790/- towards difference in salary payable to the petitioner for the period from 1.10.2017 to 31.12.2017, together with a sum of Rs.3,584/- towards interest for the said amount and a sum of Rs.1,27,440/- towards difference in earned leave salary paid to the petitioner at the time of retirement together with a sum of Rs.9,558/- towards interest for the said amount and in total to pay the petitioner a sum of Rs.2,86,977/-

WP No.16264 of 2019

Directing the respondent to pay the petitioner a sum of Rs. 4,078/- towards interest for the belated payment of PF, a sum of Rs.20,000/- towards interest for the belated payment of Gratuity, a sum of Rs.18,869/- towards interest for the belated payment of earned leave salary paid at the time of retirement, a sum of Rs.30,514/- towards earned leave salary which he surrendered in August 2016, together with a sum of Rs.4,730/- towards interest for the said amount, a sum of Rs.20,000/- payable to the petitioner under Social Welfare Scheme, a sum of Rs.62,912/- towards difference in salary payable to the petitioner for the period from 1.10.2017 to 31.1.2018, together with a sum of Rs.4,718/- towards interest for the said amount and a sum of Rs.1,25,824/- towards difference in earned leave salary paid to the petitioner at the time of retirement, together with a sum of Rs.9,437/- towards interest for the said amount a sum of Rs.14,819/- towards interest for the belated payment of commuted value of pension and in total to pay the petitioner a sum of Rs.2,72,503/-

WP No.16270 of 2019

Directing the respondent to pay the petitioner a sum of Rs.5,80,061/- towards difference in gratuity based on the revised ceiling amount, together with a sum of Rs. 34,804/- towards interest for the said amount, a sum of Rs.14,835/- towards interest for the belated payment of PF, a sum of Rs.25,000/- towards interest for the belated payment of Gratuity which was paid based on the pre amendment ceiling, , a sum of Rs.17,168/- towards interest for the belated payment of earned leave salary paid at the time of retirement, a sum of

Rs.29,081/- towards earned leave salary which he surrendered in July 2016, together with a sum of Rs.4,944/- towards interest for the said amount, a sum of Rs.31,423/- towards earned leave Salary which he surrendered in July 2017 together with a sum of Rs.3,457/-towards interest sum of Rs.20,000/-payable to the petitioner under social welfare scheme a sum of RS.1,05,192/-towards difference in Salary payable to the petitioner for the period from 01.10.2017 to 31/03/2018 together with a sum of Rs.6,837/-towards interest for the said amount, a sum of Rs.1,40,256/-towards difference in earned leave salary paid to the petitioner at the time of retirement together with a sum of Rs.9,117/-towards interest for the said amount; a sum of Rs.13,374/-towards interest for the belated payment of commuted value of pension and in total to pay him a sum of Rs.9,97,767/-

WP No.16282 of 2019
Directing the respondents to pay the petitioner a sum of Rs.1,861 /- towards interest for the belated payment of PF, a sum of Rs.20,000/- towards interest for the belated payment of Gratuity which was paid based on the pre amendment ceiling, , a sum of Rs.25,329/- towards interest for the belated payment of earned leave salary paid at the time of retirement, a sum of Rs.76,003/- towards earned leave salary for 30 days which he surrendered in Aug 2016, together with a sum of Rs.12,921/-towards interest for the said amount, a sum of Rs.40,250/-towards earned leave salary for 15 days which he surrendered in Aug 2017, together with a sum of Rs.4,830/- towards interest, a sum of Rs.95,945/- towards medical leave salary for 29 days which stood to his credit before 01.09.98 together with a sum of Rs.7,196/-towards interest; a sum of Rs.20,000/-payable to him under social Welfare Scheme a sum of Rs.74,628/-towards difference in salary payable to him for the period from 01.10.2017 to 31.01.2018 together with a sum of Rs.5,597/-towards interest for the said amount; a sum of Rs.1,46,768/-towards difference in earned leave salary paid to the petitioner at the time of retirement, together with a sum of Rs.11,008/-towards interest for the said amount, a sum of Rs.21,288/-towards interest for the belated payment of Commuted value of pension and in total to pay him a sum of Rs.5,63,623/-.

WP No.16287 of 2019
Directing the respondents to pay the petitioner a sum of Rs.20,000 /- towards interest for the belated payment of Gratuity, a sum of Rs.1,43,550/- towards difference in earned leave salary and a sum of Rs.8,613/- towards interest, a sum of Rs.16,608/- towards interest for the belated payment of earned leave salary paid at the time of retirement based on the actual salary, a sum of Rs. 28,164/- towards monthly pension for

August 2017, together with an interest amount of Rs.2,816/- and in total to pay him a sum of Rs.2,19,751/- within a specified time as may be fixed by this Honourable Court, award costs

For Petitioner : Mr.R.Krishnaswamy
For Respondent : Mrs.Rajani Ramadoss

C O M M O N O R D E R

Heard the arguments advanced on either side.

2.The case of the petitioners is that they were employees of the Transport Corporation and they retired from service during the years 2017 and 2018, however, their terminal benefits were not yet settled. Hence, the petitioners have filed these writ petitions.

3.The learned counsel appearing for the Transport Corporation would submit that the benefits like Gratuity, Provident Fund, Earned Leave were already settled in favour of the petitioners during the year 2018 and would further submit that the 7th Pay Commission Recommendation Revision also has been settled in favour of the petitioners. She would further submit that the benefits under the heads: Social Security Scheme, Surrender Leave and the arrears in 7th Pay Commission Recommendation have to be paid. She would further submit that the balance amount due to the petitioners will be settled in favour of the petitioners within a period of twelve weeks from the date of receipt of a copy of this order.

4.In view of the above, this Court is inclined to direct the Transport Corporation to settle the balance amount due to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petitions are accordingly disposed of. No costs.

Sd/-
Asst.Registrar (CS I)

/true copy/

Sub Asst. Registrar

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To

Metropolitan Transport
Corporation (Chennai) Ltd.,
Rep. by its Managing Director,
Pallavan Illam,
Pallavan Salai,
Chennai - 2.

2.The Administrator
Tamil nadu State Transport Corporations Employees Pension
Fund Trust, Thiruvalluvar Illam Pallavan Salai
Chennai-2

3.The Tamil nadu State Transport Corporation
(Villupuram) Ltd
Rep by its Managing Director 3/137 Salamedu
Villupuram

4.The General Manager
Tamil Nadu State Transport Corporation
Villupuram Ltd
Kancheepuram Region
Chennai Bangalore Highway
Ponnerikarai, Kancheepuram

+7 ccs to Mr.S.Rajeni Ramadoss Advocate sr92131 to 92137
+1 cc to Government Pleader sr91132

W.P.Nos.16236, 16250,
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