

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10922 of 2016

V.Marimuthu

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
 - 2 The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Bye Pass Road,
Madurai - 625 010.
 - 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 3 respondents to settle the petitioner's retirement benefits including gratuity, computation, leave surrender, dearness allowance, salary, social security scheme, deposits for engineering, medical & polytechnic colleges and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement i.e., 31.08.2013 to till the payment to be made to the petitioner within the time stipulated by this Honourable Court.

For Petitioner	: Ms.K.Karthiyayeni
For Respondents	: Mr.K.Dhananjayan for R1 Special Government Pleader Mr.P.Kannan Kumar for R2 and R3

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents 1 to 3 to settle the petitioner's retirement benefits including gratuity, computation, leave surrender, dearness allowance, salary, social security scheme, deposits for engineering, medical and polytechnic colleges and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement i.e., 31.08.2013 to till the payment to be made to the petitioner, within the time stipulated by this Court.

3.It is the case of the petitioner that he joined in the second respondent Corporation on 19.10.1981 and retired from service on 31.08.2013 as Senior Checking Inspector. The petitioner was not paid the retirement benefits like gratuity, computation, leave surrender, dearness allowance, salary, social security scheme, deposits for engineering, medical and polytechnic colleges etc. Hence, the petitioner made a representation dated 23.02.2016 to the respondents requesting to pay all the retirement benefits. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioner, the learned Special Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

5.The issue involved in the present writ petition is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

6.Following the said judgment, without going into the merits of the matter, the respondent is directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from

01.02.2017.

7.With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Government of Tamil Nadu
Rep. by Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
- 2 The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
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- 3 The Administrator
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Employees Post Retirement Welfare Fund
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.K. Karthiyayeni, Advocate, S.R.No.62242
+2cc to Mr.Kannan Kumar, Advocate, S.R.No.62606

mv (CO)
md (04/11/2016)

सत्यमेव जयते

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