

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016
CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.11623 of 2016

C.Balasundaram

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
 - 3.The Financial Advisor and
Chief Accounts Officer,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
 - 4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House Pallavan Salai,
Chennai-600 002.
- सत्यमेव जयते... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents 2 to 4 to settle the petitioner's retirement benefits such as Gratuity Amount, Commuted Value of Pension, Leave Encashment Amount (EL), Leave Encashment (ML-98), Pension Arrears Amount and PF arrears amount after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.04.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondent-1 : Mr.K.J.Sivakumar, GA

For Respondent : Mr.S.Sairaman
Nos.2 to 4

O R D E R

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents 2 to 4 to settle the petitioner's retirement benefits such as Gratuity Amount, Commuted Value of Pension, Leave Encashment Amount (EL), Leave Encashment (ML-98), Pension Arrears Amount and PF arrears amount after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to him from 30.04.2014, the date of retirement to till the date of settlement of the terminal benefits to him by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

2.Heard Mr.V.S.Jagadeesan, learned counsel for the petitioner and Mr.K.J.Sivakumar, Government Advocate for the first respondent as well as Mr.S.Sairaman, learned counsel for the respondents 2 to 4.

3.The petitioner was appointed to the post of Security Guard in the erstwhile Pallavan Transport Corporation on 22.07.1980 and subsequently, transferred to Pattukottai Azhagiri Transport Corporation Ltd., and thereafter, on bifurcation, he was transferred to Puratchi Thalaivar MGR Transport Corporation Ltd., (PTMGRTC). The petitioner, on attaining the age of superannuation retired from service as a Security Sergeant on 30.04.2014. On the date of his retirement, he was paid with Rs.3,04,550/- towards Provident Fund. However, the grievance of the petitioner is that though he was retired from service on 30.04.2014, till date, he was not paid with the terminal benefits. Therefore, he submitted a representation before the second respondent on 17.02.2016. However, till date, the same has not been considered. Hence, he has come forward with the present writ petition.

4.When the matter is taken up today for hearing, learned counsel appearing for the petitioner brought to the notice of this Court, the common judgment dated 12.06.2015 passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 wherein under similar circumstances, the respondent-Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several writ petitions. Accordingly, he would pray that a similar order may be passed in this writ petition also.

5.Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar

circumstances, without going into the merits of the matter, the respondents 1 and 2 are directed to consider and dispose of the representation submitted by the petitioner dated 17.02.2016 on merits and in accordance with law, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

DP

To

- 1.The Principal Secretary,
Government of Tamilnadu
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd., 3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
- 3.The Financial Advisor and
Chief Accounts Officer,
Tamil Nadu State Transport Corporation
(VPM) Ltd., 3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House Pallavan Salai,
Chennai-600 002.

- 1 cc to Mr.S. Sairaman, Advocate, Sr. 19517
1 cc to Mr.V.S. Jagadeesan, Advocate, sr. 19354
1 cc to the Government Pleader, Sr. 19710

W.P.No.11623 of 2016

VD (CO)