

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.11921 of 2016

S.Muruganantham

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Valuthareddy Post, Villupuram-605 602.
 3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House Pallavan Salai,
Chennai-600 002.
- ... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Leave Salary, gratuity, commutation, dearness allowance arrears 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 and consequently, directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits such as gratuity, leave surrenders, commutation, DA arrears and refund of Institute of road transport arrears etc., to the petitioner payable from the date of retirement i.e., 30.09.2014 to till the date of actual payment to the petitioner within the time frame as fixed by this Court.

For Petitioner : Mr.M.Selvam

For Respondent-1 : Mr.K.J.Sivakumar,
Government Advocate

For Respondent : Mr.S.Sairaman

Nos 2 & 3

O R D E R

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents to settle his retirement benefits including leave salary, gratuity, commutation, dearness allowance arrears 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 and consequently to direct the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits such as gratuity, leave surrenders, commutation, DA arrears and refund of Institute of road transport arrears etc., to him payable from the date of retirement i.e., 30.09.2014 to till the date of actual payment.

2. Heard Mr.M.Selvam, 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 & 3.

3. The petitioner was appointed to the post of Assistant Supervisor (Junior Engineer) in the Thanthai Periyar Transport Corporation, Villupuram and on attaining the age of superannuation, he retired from service as Assistant Manager (Operation), Chidambaram Bus Stand on 30.09.2014. On the date of his retirement, he was paid with Rs.7,66,000/- towards Provident Fund. However, the grievance of the petitioner is that though he was retired from service on 30.09.2014, till date, he was not paid with the terminal benefits. Therefore, he submitted representations to the second respondent on 14.11.2014 & 22.02.2016. However, till date, his representations were not considered by the second respondent. 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

22.02.2016 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Secretary,
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
Valuthareddy Post,
Villupuram-605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House Pallavan Salai,
Chennai-600 002.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.20598
+1cc to Mr.M.Selvam, Advocate, S.R.No.20065
+1cc to the Government Pleader, S.R.No.20545

W.P.No.11921 of 2016

SV(CO)
CA(26/04/2016)