

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.17083 of 2016

K.Venkatesan

.. Petitioner

vs

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Road
Salem 636 007.

2. The General Manager
Tamil Nadu State Transport
Corporation(Salem) Limited
No.12, Ramakrishna Road
Salem 636 007.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to disburse the payments relating to Leave Encashment [Earned Leave and Medical Leave totally 344 days] arrears amount of Earned Leave Surrender [in the year 2009-2011] and calculating D.A.80% with effect from 01.01.2013 eligible as per newly implemented Letter (Ms)No.126 dated 07.04.2013 with interest at 12% per annum with effect from 01.05.2013 within the stipulated time as may be fixed by this Court.

For Petitioner सत्यमेव जयते : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadosh

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O R D E R

The petitioner, who joined the services as Junior Tradesman in the Tamil Nadu State Transport Corporation (Salem) Ltd., retired from service on 30.04.2013. At the time of retirement, he was working as Foreman in the Johnsonpet Depot-II of the first respondent corporation. According to the petitioner, though he was retired from service on 30.04.2013, till date he was not paid with any other retirement benefits, viz., Leave Encashment [Earned Leave and Medical Leave totally 344 days]

arrears amount of Earned Leave Surrender [in the year 2009-2011] and calculating D.A.80% with effect from 01.01.2013, except for paying the gratuity, commutation and provident fund only. Therefore, he submitted a representation before the first and second respondents on 08.04.2016. However, till date, the same has not been considered. Hence, the present writ petition.

2. 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.

3. Heard the learned counsel for the petitioner and Mr.P.Paramasivadosh, learned Standing Counsel for the respondent-Transport Corporation, who took notice on behalf of the respondents.

4. 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 disburse the aforementioned retiral benefits to the petitioner 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.07.2016.

5. With the above direction, this writ petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

vj2

To

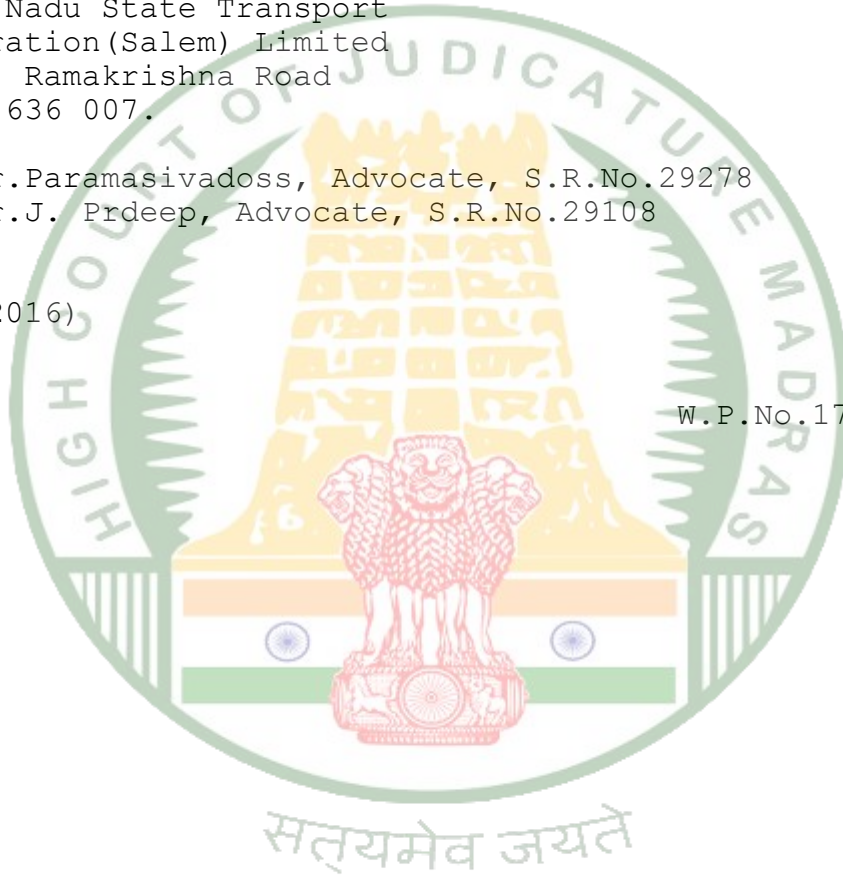
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+1cc to Mr.Paramasivadoss, Advocate, S.R.No.29278
+1cc to Mr.J. Prdeep, Advocate, S.R.No.29108

PPA(CO)
EU(13/06/2016)

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