

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.17086 of 2016

M.Sankaran

.. Petitioner

vs

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

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

.. 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 Gratuity, Commutation, Leave Encashment [Earned Leave and Medical Leave] arrears amount of Earned Leave Surrender [in the year 2008-2010], Labour Welfare Fund and IRT Deposit amount by calculation D.A.eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.11.2014 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadoss

O R D E R

The petitioner, who joined the services as Driver in the Tamil Nadu State Transport Corporation (Salem) Ltd., retired from service on 31.10.2014. At the time of retirement, he was working as a Special Grade Driver in the Edappadi Depot of the first respondent corporation. According to the petitioner, though he was retired from service on 31.10.2014, till date he was not paid with any other retirement benefits, viz., Gratuity, Commutation, Leave Encashment [Earned Leave and Medical Leave] arrears amount of Earned Leave Surrender [in the year 2008-

2010], Labour Welfare Fund and IRT Deposit amount by calculation D.A.eligible as per newly implemented scheme, except for paying provident fund only. Therefore, he submitted a representation before the first and second respondents on 05.04.2016. 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(CS VII)

//True Copy//

Sub Assistant Registrar

vj2

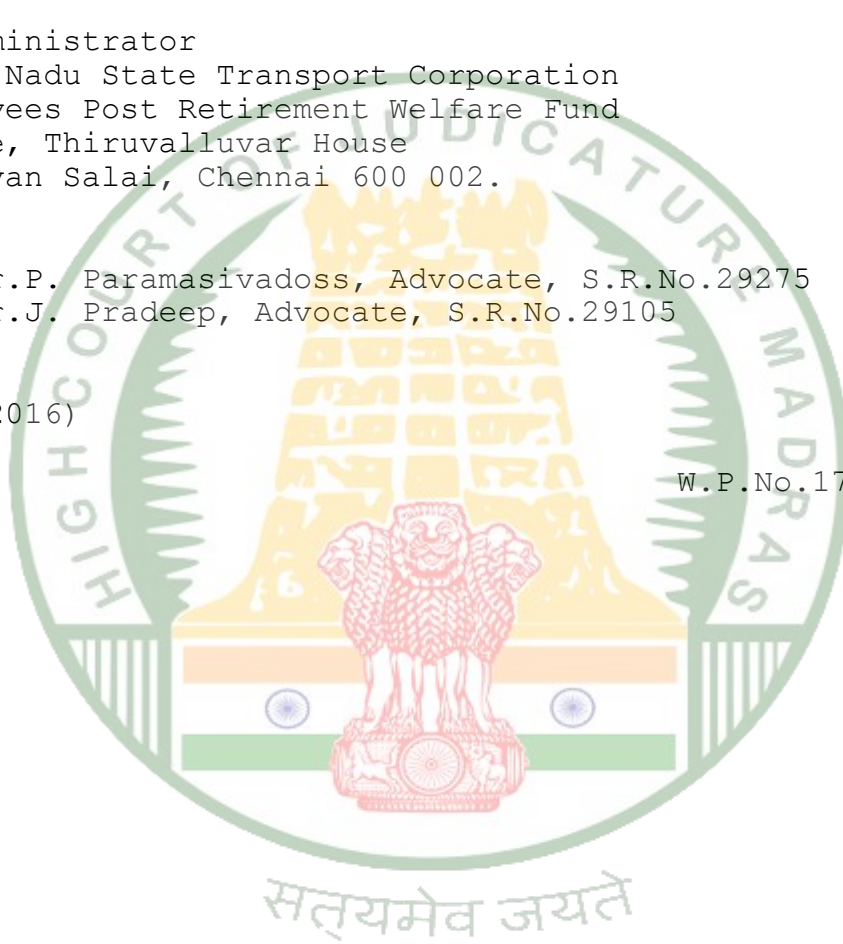
To

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+1cc to Mr.P. Paramasivados, Advocate, S.R.No.29275
+1cc to Mr.J. Pradeep, Advocate, S.R.No.29105

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

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