

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01-06-2016

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 17528 of 2016

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N. Ishak

.. Petitioner

Versus

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
3/137, Salamodu
Veludha Reddy Post
Villupuram - 605 602
 2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Kancheepuram Region
Kancheepuram
 3. The Administrator
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002
- .. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner including service gratuity, commutation amount, leave salary and all other attendant retirement benefits by reckoning the Dearness at 107% as ordered in G.O. (Ms) No.147, Transport (D) Department dated 30.12.2014 and to make the difference of money value for the instalments already paid as per the orders of this Court on 06.10.2015 in WP No. 31506 of 2015 by considering and passing orders on the representation of the petitioner dated 21.12.2015.

For Petitioner : Mr. K. Selvaraj

For Respondents : Mr. Paramasivadoss

ORDER

The petitioner seeks for issuance of a Writ of Mandamus directing the respondents to settle the retirement benefits payable to him, including service gratuity, commutation amount, leave salary and all other attendant retirement benefits by reckoning the Dearness at 107% as ordered in G.O. (Ms) No.147, Transport (D) Department dated 30.12.2014 and to make the difference of money value for the instalments already paid as per the orders of this Court on 06.10.2015 in WP No. 31506 of 2015 by considering his representation dated 21.12.2015.

2. The petitioner was appointed as Junior Assistant in the respondents Corporation on 23.02.1983 and on 01.05.1983, he was promoted as Assistant. Subsequently, on 23.05.2009, the petitioner was promoted as Superintendent. While he was working as such, the petitioner opted for voluntary retirement from service. Accordingly, on 30.11.2014 the petitioner retired from service. However, the retirement benefits due to the petitioner has not been settled and therefore the petitioner filed WP No. 31506 of 2015 before this Court. By order dated 06.10.2015, this Court directed the respondents to settle the terminal benefits within eight weeks. Even though the respondents have settled the terminal benefits to the petitioner on the basis of the judgment rendered by this Court in W.A. No. 383 to 457 of 2015 in 12 equal instalment, the grievance of the petitioner is that the dearness allowance had to be calculated at 107% as per G.O. Ms. No.147, Transport Department dated 30.12.2014 but it was not settled to the petitioner in such manner. The petitioner therefore sent a representation dated 21.12.2015 to the respondents followed by a notice through his advocate on 22.02.2016 reiterating his request to pay the dearness allowance at 107%. However, the respondents have not passed any order, hence, this writ petition.

3. The learned counsel for the petitioner would contend that it is sufficient if a direction is issued to the respondents to consider the representation dated 21.12.2015 of the petitioner and to pass orders thereon within a time to be stipulated by this Court.

4. On the above contention of the learned counsel for the petitioner, this Court heard the learned Additional Government Pleader appearing for the respondents.

5. Having regard to the above submission of the counsel for the petitioner, without expressing any opinion on merits, the respondents are directed to consider the representation dated 21.12.2015 of the petitioner and pass orders thereof on

merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
3/137, Salamodu,
Veludha Reddy Post,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.P.Paramasivadosh, Advocate sr.29271
+1cc to Mr.K.Selvaraj, Advocate sr.28994

WP No. 17528 of 2016

nr[co]
srg 16/6/2016

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