

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.22750 of 2015

V.Palaniappan

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region,
Chennimalai Road,
Erode - 638 001.

... 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 settle the pensionary benefits of leave salary, commutation, gratuity and social security fund and other terminal benefits, etc. legitimately due to the petitioner including the arrears of salary amounting to Rs.62,166/- with 12% rate of interest for the belated payment from the date on which they were due till the date of payment.

For Petitioner : Ms.S.Girija

For Respondents : Mr.S.Sairaman

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to settle the pensionary benefits of leave salary, commutation, gratuity and social security fund and other terminal benefits, etc. legitimately due to him including the arrears of salary amounting to Rs.62,166/- with

12% rate of interest for the belated payment from the date on which they were due till the date of payment.

2. According to the petitioner, he joined as Conductor on 03.02.1979 and promoted as Senior Checking Inspector in the respondent Transport Corporation and retired on superannuation on 31.08.2014. It is his case that he has not been paid the pensionary benefits i.e. (i) Leave Salary (E.L. 59 days) and M.L. 23.5 days as on 31.08.1998 (ii) Commutation (Rs.3,15,721/-) (iii) Gratuity (Rs.7,83,415/-) despite persistent and relentless efforts and several representations. In reply, the petitioner was informed under the RTI Act that the above claims were not settled to him due to the financial crunch faced by the Corporation.

3. It is the further case of the petitioner that he has not been paid arrears of salary for 27 months from 01.11.2010 to 31.01.2013 amounting to Rs.62,166/- despite the fact that he made spate of representations to the General Manager on 05.10.2012, 11.12.2012 and to the Managing Director on 18.01.2013 and to the Managing Director, General Manager and H.R.D. on 07.05.2014 and to HRD on 05.07.2014 (handed over in person).

4. It is further stated by the petitioner that though his junior one Mr.Marappan had been enjoying higher salary all along from November 2010 to January 2013, the petitioner was deprived of such increase and paid much less salary during the above period. Though the petitioner effected a lawyer's notice dated 30.06.2015 to the respondent seeking payment of the above entitlements, since there is no reply forthcoming from the respondents, having no other alternative, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the respondents may be directed to consider the petitioner's representation and pass appropriate orders with regard to disbursement of his pensionary benefits and arrears of salary, within a stipulated time.

7. In view of the above, without expressing any opinion on the merits of the case, the petitioner is directed to send a fresh representation to the respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the

respondents are directed to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law within a period of six weeks, thereafter.

With the above direction, this Writ Petition is disposed of.
No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region, Chennimalai Road,
Erode - 638 001.

+ 1 cc to Mr.S.Girija, Advocate Sr.No.69055

W.P.No.22750 of 2015

CO/VD

RRI 29/12/2016

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