

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4702 of 2015 and

M.P.No.1 of 2015

K.R.Subramani

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram)
Ltd., Kancheepuram Region,
Ponnerikarai, Kancheepuram. ... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to settle the retirement benefits with interest at 18% payable from 21.01.2013 for belated payment of retirement benefits within a time frame.

For Petitioner : Mr.C.Manohar
For Respondent : Mr.P.Kannan Kumar

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to settle the retirement benefits with interest at 18% payable from 21.01.2013 for belated payment of retirement benefits within a time frame to be fixed by this Court.

3. It is the case of the petitioner that he was appointed as Driver on 01.02.1984 in Thanthai Periyar Transport Corporation. Thereafter, he was transferred to Respondent Corporation in April, 1992. While so, he was charge sheeted for unauthorised

absence which led to conduct of domestic enquiry and final order was passed on 19.02.2009 imposing punishment of pay reduction for 5 years with cumulative effect. Thereafter, the petitioner applied for voluntary retirement and orders were passed on the same on 15.01.2013 permitting him to retire voluntarily and accordingly, he was relieved on 20.01.2013 A.N. On appeal, the final order dated 19.02.2009 was modified as pay reduction for 3 years without cumulative Effect. The respondent sanctioned pension from January, 2013 and commutation was also paid. But the respondent has not paid the other retirement benefits such as Gratuity etc. In this connection, the petitioner made a representation to the respondent on 28.11.2014, but the same has not been considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondent.

5. The issue involved in the present writ petition is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

6. Following the said judgment, without going into the merits of the matter, the respondent is directed to disburse the retiral benefits to the petitioner herein, 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 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 1.12.2016.

7. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

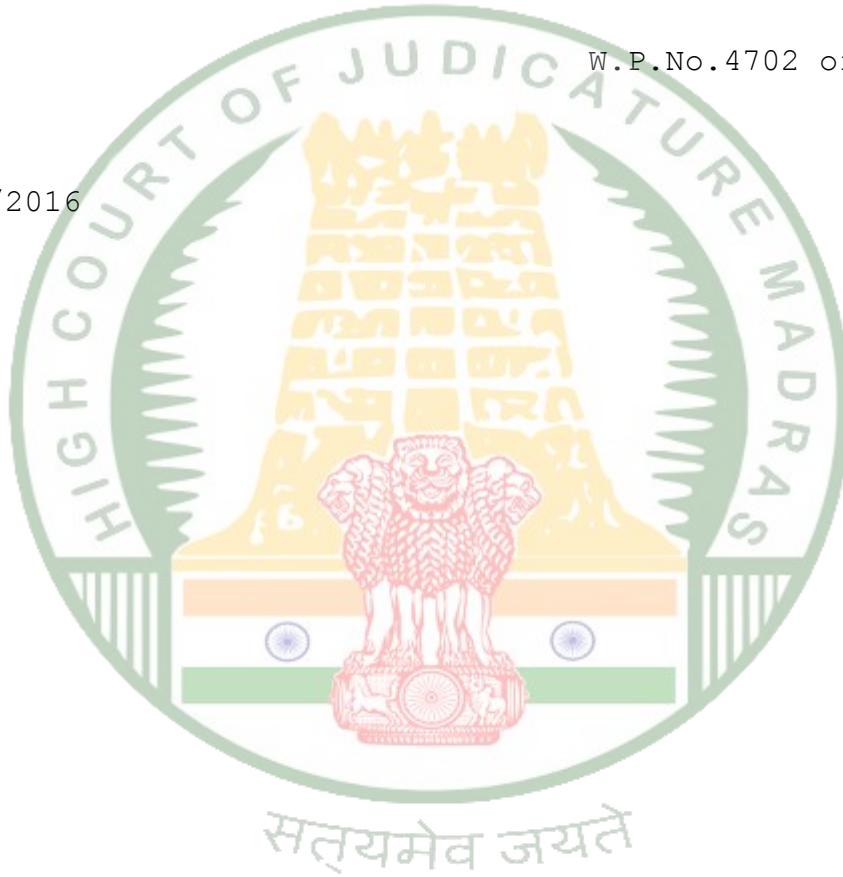
The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram)
Ltd., Kancheepuram Region,
Ponnerikarai, Kancheepuram.

+1 CC to Mr. N. Sundara Murthy, Sr.No.56818

+1 CC to Mr. P. Kannan Kumar, Sr.No.57372

W.P.No.4702 of 2015

RU (CO)
MD : 1/11/2016



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