

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.29449 of 2016

J. Abdul Sathar

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai, Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai, Chennai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or an order or direction in the nature of writ, particularly a Writ of Mandamus directing the Respondents to disperse the retirement benefits such as Gratuity, IRT share, and old medical leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

For Petitioner : M/s.A.Nagarathinam

For Respondents : Mr.P.Kannan Kumar for R1

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed seeking for a Writ of Mandamus directing the Respondents to disburse the retirement benefits such as Gratuity, IRT share, and old medical leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

3. The case of the petitioner is that the petitioner entered service as Conductor in the Respondent Corporation on 20.02.1978 and he retired from service on 31.05.2015 on attaining the age of superannuation. He was relieved from service on the same date. Even though the petitioner retired

from service on 31.05.2015, on his retirement, he was not paid pension for the months of June, July and August 2015. On his repeated representation, pension was paid to him at the rate of Rs.12,363/- for the month of September 2015 leaving the pensionary arrears for three months namely June, July and August 2015. It is further stated that he was paid only the amount of provident fund and not the amount of Gratuity, Labour Welfare Fund, I.R.T. Share, benefits of earned leave and unearned leave, Old Medical Benefit. It is further stated that the Respondent corporation sent a letter dated 03.06.2015 directing the petitioner to pay a sum of Rs.1,86,960/- towards the punishment of stoppage of increment for three years with cumulative effect. In this regard, the petitioner made a representation to disburse the retirement benefits after making deduction of Rs.1,86,960/- without prejudice his rights. After making deduction of the Labour Welfare Fund and benefit of earned leave, the Respondent Corporation again sent a letter dated 21.07.2015 directing the petitioner to pay a sum of Rs.85,722/- to the Respondent Corporation. The petitioner made another representation requesting the respondent corporation to disburse the retirement benefits after making deduction of Rs.85,722/-, but, there is no action on the part of the respondent corporation. Therefore, the petitioner made a representation dated 28.07.2016 to the respondent to pay the retirement benefits such as gratuity and IRT Share and old medical benefit after making deduction of Rs.85,722/- due to respondent Corporation. In spite of receiving the representation, no action was taken to disburse the benefits of retirement such as Gratuity, IRT Share and old Medical leave benefits, hence this writ petition.

4. Heard both sides. The grievance of the petitioner is that the respondent Corporation neither disposed of his representation nor disbursed the retirement benefits payable to him such as Provident Fund, Gratuity, Earned leave salary, Commutation etce., after his retirement.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, without expressing any opinion on the merits of the case, this Court directs the respondents to dispose of the representation of the petitioner dated 28.07.2016, on merits and in accordance with law, as expeditiously as possible.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

arr/rsh

To

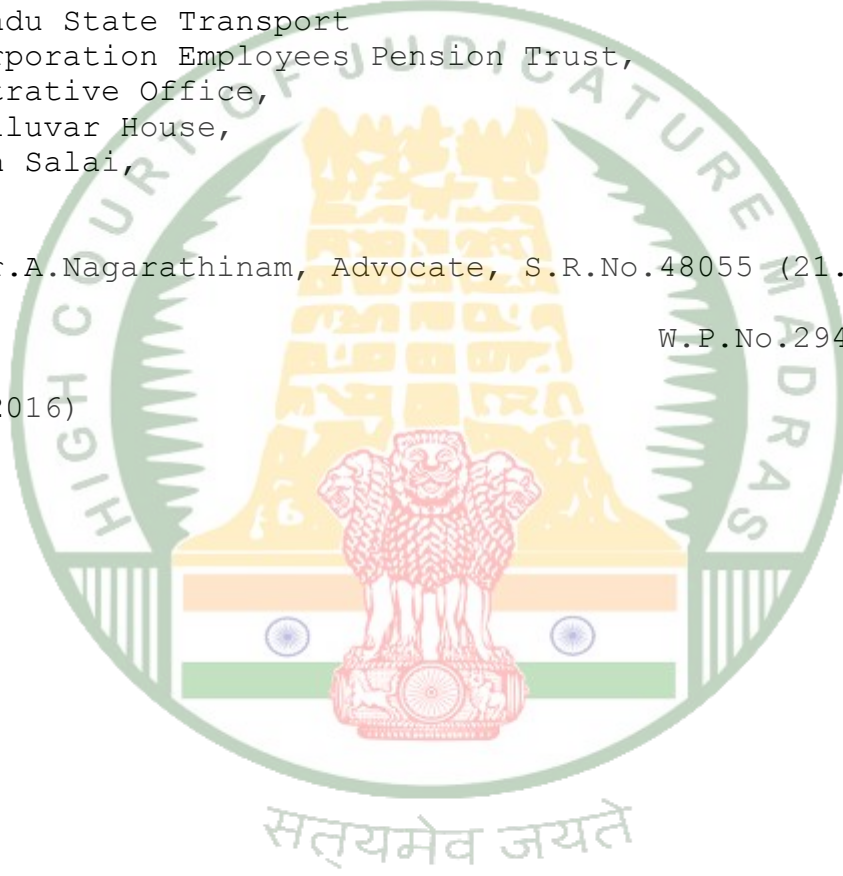
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Chennai.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.48055 (21.10.2016)

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PA(CO)
CA(05/10/2016)



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