

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30901 of 2016

K.Pugalendhi

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
12, Ramakrishna Road,
Salem-636 007.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to disburse the payments relating to surrender leave salary, i.e., earned leave balance as on 31.10.2016, surrender medical leave salary upto 1.9.1998 by calculating DA eligible as per newly implemented scheme and earned leave already surrendered with interest at 12% p.a. with effect from **1.11.2011*** within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.R.K.Gandhi

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 disburse the payments relating to surrender leave salary, i.e., earned leave balance as on 31.10.2016, surrender medical leave salary upto 1.9.1998 by calculating DA eligible as per newly implemented scheme and earned leave already surrendered with interest at 12% p.a. with effect from **1.11.2011*** within the stipulated time as may be fixed by this Court.

3. It is the case of the petitioner that he joined in the respondent corporation on 18.10.1978 and retired from service on 31.10.2011 as Assistant Manager. On the date of his

retirement, the petitioner was paid the salary and other terminal benefits like provident fund, gratuity, pension, commutation, but, the respondent did not pay surrender leave salary i.e., earned leave balance as on 31.10.2011, surrender medical leave salary upto 1.9.1998. In this regard, he made a representation dated 30.8.2016 to the respondent requesting him to pay all the retirement benefits. But, the same was not 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 aforementioned 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.

Sd/-

Asst.Registrar (CS II)
dt.26/09/2016

Amended as per the order
dated 30.11.2016 and made
in WMP.No.35560/2016

Sd/-

Asst.Registrar (CS III)
dt.23/12/2016

/true copy/

Sub Asst. Registrar

To

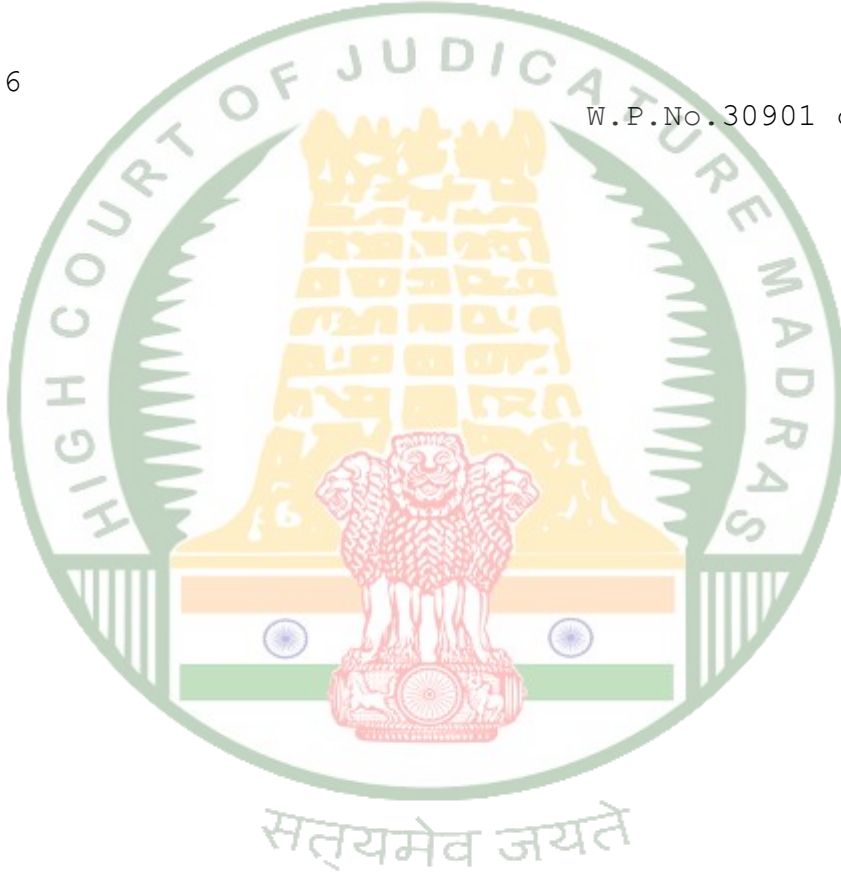
The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
12, Ramakrishna Road, Salem-636 007.

To be substituted
to the order
already despatched
on 21.10.2016

+1 cc to Mr.I.C.Vasudevan, advocate, sr.71022*
+1 cc to Mr.R.K.Gandhi, advocate, sr.50488.

pa (CO)
krd 29/9
EU 23.12.16

W.P.No.30901 of 2016



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