

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30938 of 2016

G.Balaji

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation
(Villupuram) Ltd., Vazhuthareddy,
Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport
Corporation,
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to disburse the payments relating to gratuity, pension commutation, leave encashment, earn leave for 161.5 days, pension arrears and settlement arrears amount from 1.9.2013 by calculating Dearness Allowance (DA) eligible as per newly implemented scheme, with interest at 12% p.a. with effect from 1.6.2016 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Srinivasa Narayanan

For Respondents : 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 respondents herein to disburse the payments relating to gratuity, pension commutation, leave encashment, earn leave for 161.5 days, pension arrears and settlement arrears amount from 1.9.2013 by calculating Dearness Allowance (DA) eligible as per newly implemented scheme, with interest at 12% p.a. with effect from 1.6.2016 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 31.3.1987 as daily paid Driver. Subsequently, his employment was regularized by the respondent corporation on 1.4.1988 and he retired from service as a Special Grade Driver on attaining superannuation on 31.5.2016. On the date of his retirement, the respondents have paid provident fund only and the other terminal benefits such as gratuity, pension commutation, leave encashment, pension arrears and settlement arrears amount from 1.9.2013 by calculating Dearness Allowance (DA) eligible as per newly implemented scheme were not settled to him. In this regard, he made a representation dated 12.8.2016 to the respondents requesting them 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 respondents.

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 respondents are 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation
(Villupuram) Ltd., Vazhuthareddy,
Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport
Corporation,
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1cc to Mr.S.Srinivasa Narayanan, Advocate, S.R.No.50818
+2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.50822

W.P.No.30938 of 2016

RP(CO)
CA(22/09/2016)