

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31017 of 2016

L.Palanisamy

... Petitioner

vs.

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

... 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 entire retirement benefits of the petitioner i.e., gratuity amount of Rs.3,43,835/- + leave encashment (EL) of Rs.61,380/-, totally a sum of Rs.4,05,215/- + arrears of amounts as per 12(3) settlement with effect from 1.9.2013 till the date of retirement i.e., on 30.9.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 1.10.2014 till the date of disbursement of the terminal benefit to the petitioner.

For Petitioner : Mr.Y.George Williams
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 his entire retirement benefits i.e., gratuity amount of Rs.3,43,835/- + leave encashment (EL) of Rs.61,380/-, totally a sum of Rs.4,05,215/- + arrears of amounts as per 12(3) settlement with effect from 1.9.2013 till the date of retirement i.e., on 30.9.2014 and other benefits and enhanced dearness

allowances along with 18% interest on delayed payment from 1.10.2014 till the date of disbursement of the terminal benefits.

3. It is the case of the petitioner that he joined in the respondent corporation on 23.8.1992 as a Senior Security Guard and after completion of 22 years of service, he retired from service on 30.9.2014 on attaining the age of superannuation. However, after retirement, his terminal benefits such as gratuity, encashment of leave, etc., have not been settled to him. In this regard, he made a representation dated 27.7.2016 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/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

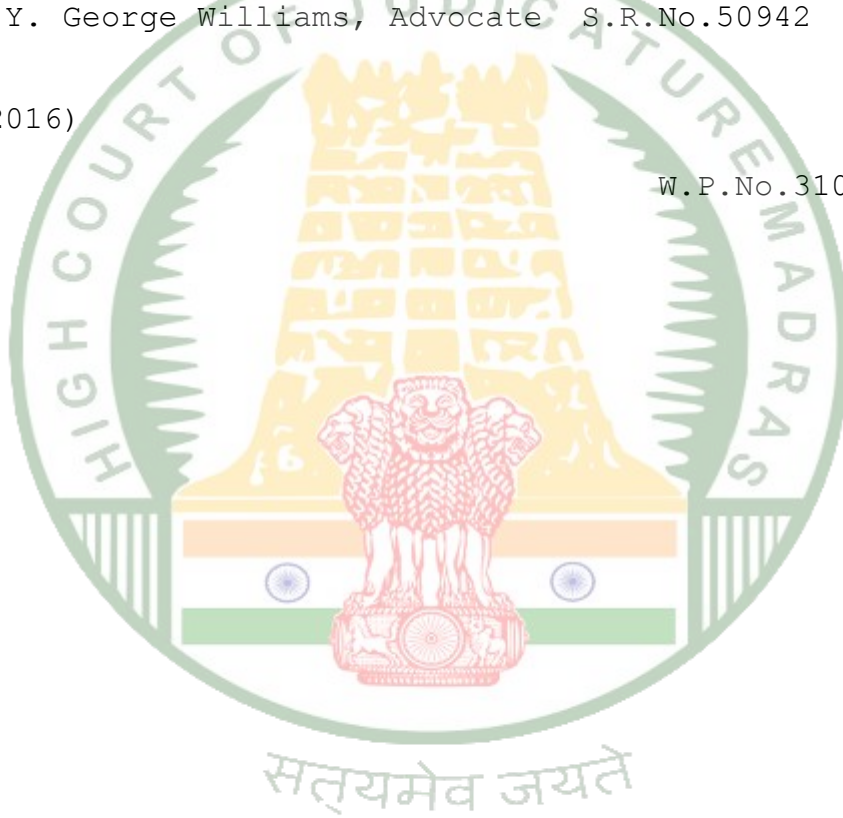
To

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

+1cc to M/s. S. Sairaman, Advocate, S.R.No.51112
+1cc to Mr.P. Kannan Kumar, Advocate, S.R.No.51007
+1cc to R.Y. George Williams, Advocate S.R.No.50942

RJ(CO)
EU(05/10/2016)

W.P.No.31017 of 2016



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