

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31109 of 2016

N.Prabakaran

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem-636 007.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri-636 705

....Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned and Old Medical Leave) 45 days Leave Surrender Amount for the years (2010, 2011 & 2012), IRT amount, ERBS amount and D.A arrear amount by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of Dearness Allowances also with interest at 12% per annum with effect from 01.06.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Pradeep

For Respondents : 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 respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned and Old Medical Leave) 45 days Leave Surrender Amount for the years (2010, 2011 & 2012), IRT amount, ERBS amount and D.A arrear amount by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of Dearness Allowances also with interest at 12% per annum with effect from 01.06.2015.

3. It is the case of the petitioner that on 29.05.1997, he joined as a Conductor in the erstwhile Anna Transport Corporation, Salem and on attaining the age of superannuation retired as Record Clerk on 31.05.2015. Since his retirement, his terminal benefits like gratuity, Leave encashment (Earned & Old medical leave) etc., have not been paid to him till today. In this regard, he made several representations to the respondent requesting him to pay all the retirement benefits. But, the same were not considered. Finally, he made a representation dated 27.07.2016 to the respondent seeking retirement benefits. Since the same was also not considered so far, 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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem-636 007.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri-636 705

1 CC to Mr.J.Pradap, Advocate, SR 51083

1 CC to Mr.R.K. Gandhi, Standing Counsel for TNSTC SR 51442

W.P.No.31109 of 2016

BVR (CO)
PSI 04/10/2016

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