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.31118 of 2016

S.Jothi ... 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-600 002. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (Earned Leave), IRT amount and settlement arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of VRS retirement i.e. 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.S.Sairaman

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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 the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (Earned Leave), IRT amount and settlement arrears etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of VRS retirement i.e. 30.06.2016 to till date of actual payment to the petitioner.

3. It is the case of the petitioner that on 26.3.1997, she joined as Driver in the MGR Transport Corporation Ltd., Chengalpet and retired from service on 30.06.2016. The petitioner was paid provident fund for a sum of Rs.2,45,000/-. However, the other retirement benefits viz., gratuity, commutation, leave surrender (Earned Leave), IRT amount and settlement arrears amount have not been paid to her till today. In this regard, she made several representations to the respondents requesting them to pay all the retirement benefits. But, the same were not considered. 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 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,

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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(CCC)

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Sub Assistant Registrar

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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-600 002.

+1cc to Mr.M.Selvam, Advocate, S.R.No.50754

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