

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.31124 of 2016

P.Duraisamy

... Petitioner

vs.

1 State of Tamil Nadu
Rep by the
Additional Chief Secretary to Government,
(Chairman Transport Corporations)
Transport Department,
Fort St. George, Chennai 9

2 The Management of Tamil Nadu
State Transport Corporation (Salem) Ltd.
Rep by the Managing Director
12, Ramakrishna Road,
Salem 636 007

... 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 and disburse all the retirement benefits due to the petitioner including Provident Fund, Gratuity, Encashment of Leave Salary, surrendered leave salary, Refund of IRT Contribution, and Amount due from the Labour Welfare Fund and arrears of revised salary, in full, and together with interest at the rate of 10% per annum from the date when the payment became due till the date of payment to the petitioner.

For Petitioner : M/S.Ramapriya Gopalakrishnan

For R1 : Mr.S.N.Parthasarathy

For R2 : 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 settle and disburse all the retirement benefits due to the petitioner including Provident Fund, Gratuity, Encashment of Leave Salary, surrendered leave salary, Refund of IRT Contribution, amount due from the Labour Welfare Fund and arrears of revised salary, in full, together with interest at the rate of 10% per annum from the date when the payment became due till the date of payment to the petitioner within a stipulated time as fixed by this Court.

3. It is the case of the petitioner that he was employed in the Tamil Nadu State Transport Corporation (Salem) Limited as a Selection Grade Senior Driver. He joined the service of the corporation on 07.05.1985 and retired on 30.04.2016. However, the retirement benefits viz., provident fund, gratuity, encashment of leave salary, 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. 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.

R.SUBBIAH, J
kua

7. With the above direction, the present writ Petition is disposed of. No costs.

07.09.2016

Index:Yes/No
kua

To

1. State of Tamil Nadu
Rep by the
Additional Chief Secretary to Government,
(Chairman Transport Corporations)
Transport Department,
Fort St. George Chennai 9
- 2 The Management of Tamil Nadu
State Transport Corporation (Salem) Ltd.
Rep by the Managing Director
12, Ramakrishna Road,
Salem 636 007

W.P.No.31124 of 2016