IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31305 of 2016

K.Muthu ... Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by the Principal Secretary
to Government,
Transport Corporation,
Fort St. George, Chennai-9.

2.The Managing Director,
Tamil Nadu State Transport
Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu, Valuthareddy,
Villupuram-605 602.

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
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 to settle the retirement benefits, including gratuity, leave salary, post retirement scheme arrears and all other attendant retirement benefits, etc. with interest at the rate of 12% for the belated settlement of retirement benefits including the commuted value of pension, gratuity, etc., to the petitioner payable from the date of retirement i.e., on 31.7.2014 till the date of actual payment within the time that may be stipulated by this Court in issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly instalments and to pay 6% interest to the terminal benefits payable to the petitioner.

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For Petitioner : Mr.K.Narayanan
For Respondents : Mr.S.N.Parthasarathy,
Govt. Advocate, for R.1
Mr.P.K.Gadhi,
for R.2 and R.3

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 the retirement benefits, including gratuity, leave salary, post retirement

scheme arrears and all other attendant retirement benefits, etc. with interest at the rate of 12% for the belated settlement of retirement benefits including the commuted value of pension, gratuity, etc., to the petitioner payable from the date of retirement i.e., on 31.7.2014 till the date of actual payment within the time that may be stipulated by this Court in issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly instalments and to pay 6% interest to the terminal benefits payable to the petitioner.

3. It is the case of the petitioner that he joined in the respondent corporation on 2.3.1981 as a Conductor and after 34 years of service, he retired from service on attaining the age of superannuation on 31.7.2014. After retirement, he is getting his family pension as per the rule prescribed under Rule 16 of the Tamil Nadu State Transport Corporation Employees Pension Fund. However, the other terminal benefits such as gratuity, leave salary, post retirement scheme arrears and all other attendant retirement benefits were not settled to him. In this regard, he made a representation dated 31.12.2015 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, learned Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

5. The issue involved in the present writ petition is

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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 II)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Principal Secretary
to Government,
Government of Tamil Nadu,
Transport Corporation,
Fort St. George, Chennai-9.

2.The Managing Director,
Tamil Nadu State Transport
Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu, Valuthareddy,
Villupuram-605 602.

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3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

1 cc to Mr.K.Narayanan, Advocate, sr.51114
1 cc to Mr.S.Sairaman, Advocate, sr.51110
1 cc to Mr.R.K.Gandhi, Advocate, sr.51440
1 cc to Government Pleader, sr.51322

W.P.No.31305 of 2016

vsn co
kra 22.09.2016

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