

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31339 of 2016

S.Santhamoorthy

... Petitioner

vs.

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

2.The Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
rep. by the Managing Director,
No.12, Ramakrishna Salai,
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 encashment of leave salary, salary payable in lieu of surrendered leave for the years 2009 to 2011, gratuity and the arrears of revised salary pursuant to the settlement of February 2015 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 such time as stipulated by this Court.

For Petitioner : Ms.Ramapriya Gopalakrishnan
For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader, for R.1
Mr.R.K.Gandhi, for R.2

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 him including

encashment of leave salary, salary payable in lieu of surrendered leave for the years 2009 to 2011, gratuity and the arrears of revised salary pursuant to the settlement of February 2015 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, within such time as stipulated by this Court.

3. It is the case of the petitioner that he joined the service of the respondent corporation on 13.9.1980. After completion of 34 years of service, he retired from service on 30.4.2014 on attaining the age of superannuation. After retirement, the respondents have not paid the retirement benefits including encashment of leave salary, salary payable in lieu of surrendered leave for the years 2009 to 2011, gratuity and the arrears of revised salary pursuant to the settlement of February 2015 to him. In this regard, he made a representation dated 24.6.2016 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 Additional Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the second 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, 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 (CS V)

/true copy/

Sub Asst. Registrar

To

1.The Additional Chief

Secretary to Government,
(Chairman, Transport Corporation),
State of Tamil Nadu,
Transport Department,
Fort St. George, Chennai-9.

2.The Managing Director,

Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem - 636 007.

+2 cc's to M/s.Ramapriya Gopalakrishnan,advocate,sr.50944

+2 cc's to M/s.R.K>Gandhi,advocate,sr.51418.

rsk(co)
krd 23/9

W.P.No.31339 of 2016

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