

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31364 of 2016

P.Nallamuthu

... Petitioner

vs.

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

2.The Secretary,
Tamil Nadu State Transport Corporation,
Co-operative and Chikkana Nanaya
Sangam,
No.8, Bungalow, Stayanarayana
Street,
Sornapuri, Salem-636 004.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay the retirement benefits such as Provident fund, Gratuity, Earned Leave Salary, Commutation, Society Fund and other benefits payable to the petitioner with interest at the rate of 18% from 31.5.2016 i.e., the date of retirement and the amount payable by the Society with interest to the petitioner.

For Petitioner :Mr.T.Jeevanandham

For Respondents :Mr.R.K.Gandhi

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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 respondents to pay the retirement benefits such as Provident fund, Gratuity, Earned

Leave Salary, Commutation, Society Fund and other benefits payable to him with interest at the rate of 18% from 31.5.2016 i.e., the date of retirement and the amount payable by the Society with interest.

3. It is the case of the petitioner that he joined in the respondent corporation on 25.7.1983 as Trainee Conductor. Subsequently, he was promoted to the post of Senior Grade Conductor and he retired from service on 31.5.2016 on attaining the age of superannuation. On the date of his retirement, the respondents have not paid the retirement benefits such as Provident fund, Gratuity, Earned Leave Salary, Commutation, Society Fund and other benefits payable to him. In this regard, he made a representation dated 17.8.2016 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 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/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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

2.The Secretary,
Tamil Nadu State Transport Corporation,
Co-operative and Chikkana Nanaya
Sangam,
No.8, Bungalow, Stayanarayana
Street,
Sornapuri, Salem-636 004.

+2cc to Mr.R.K.Gandhi, Advocate sr.51416
1cct o Mr.T.Jeevanantham, Advocate sr.51060

W.P.No.31364 of 2016

rsy[col]
srg 05/10/2016



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