

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31588 of 2016

R.Gopal

...Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043.

....Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. gratuity amount sum of Rs.6,77,719/- + leave surrender sum of Rs.2,63,748/- + medical leave surrender before 1998 sum of Rs.82,421/- + medical leave surrender after 1998 sum of Rs.49,453/- totally sum of Rs.10,73,341/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.05.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.06.2014 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.S.Sairaman

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 his entire retirement benefits such as gratuity amount of Rs.6,77,719/-, a sum of Rs.2,63,748/- towards leave surrender, a sum of Rs.82,421/- towards medical leave surrender before 1998, a sum of Rs.49,453/- towards medical leave surrender after 1998, totally sum of Rs.10,73,341/- + arrears of amounts as per 12(3) settlement with effect from 1.9.2013 till the date of retirement i.e. 31.5.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 1.6.2014 till the date of disbursement of the terminal benefits to the petitioner.

3. It is the case of the petitioner that he joined in the respondent corporation on 20.12.1976 as a Conductor and after 37 years of service, he retired from service on 31.5.2014 on attaining the age of superannuation. After retirement till date, the respondent has not paid the gratuity amount of Rs.6,77,719/-, a sum of Rs.2,63,748/- towards leave surrender, a sum of Rs.82,421/- towards medical leave surrender before 1998, a sum of Rs.49,453/- towards medical leave surrender after 1998 etc. to the petitioner. In this regard, he made a representation dated 22.8.2016 to the respondent requesting him 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 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 respondent is 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 (J)

/true copy/

Sub Asst. Registrar

sbi

To

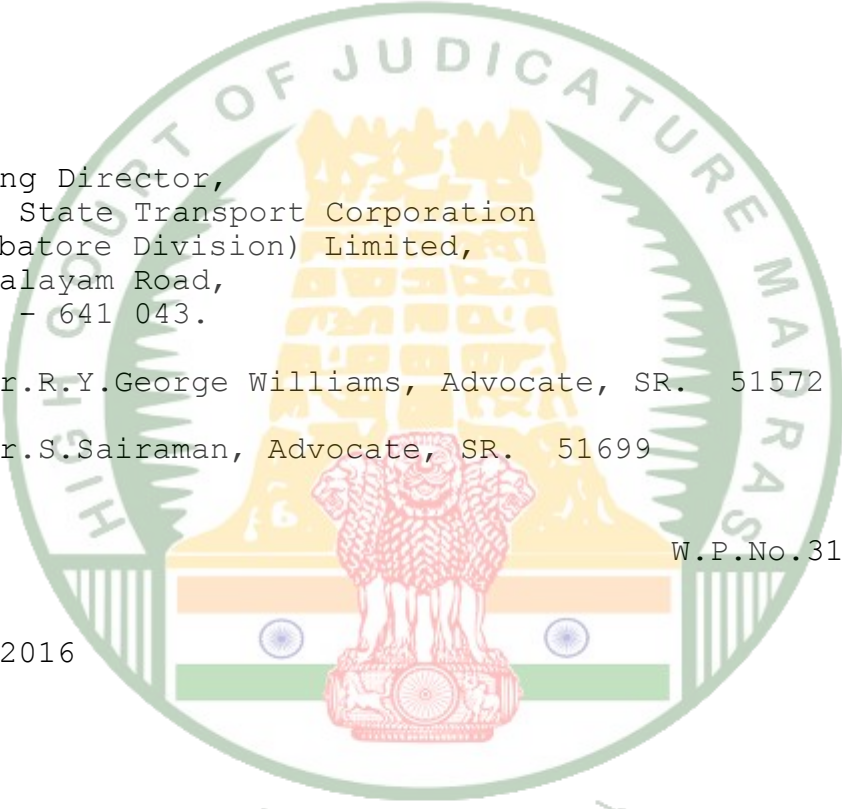
The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043.

1 CC to Mr.R.Y.George Williams, Advocate, SR. 51572

1 CC to Mr.S.Sairaman, Advocate, SR. 51699

W.P.No.31588 of 2016

SK (CO)
PSI 05/10/2016



सत्यमेव जयते

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