

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31643 of 2016

S.Komarasamy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employee Post Retirement Welfare
Fund Scheme,
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 disburse to the petitioner, his legitimately entitlements of terminal benefits viz., (i) earned leave salary at his credit (ii) surrendered leave salary (iii) ERBS pension arrears (iv) settlement arrears (v) salary and pension DA arrears and other terminal benefits payable to him with interest at 12% per annum with effect from 1.4.2012 within the stipulated time to be fixed by this Court.

For Petitioner : Ms.S.Girija

For Respondents : 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 disburse his legitimately entitlements of terminal benefits viz., (i) earned leave salary at his credit (ii) surrendered leave salary (iii) ERBS pension arrears (iv) settlement arrears (v) salary and pension DA arrears and other terminal benefits payable to him with interest at 12% per annum with effect from 1.4.2012 within the stipulated time to be fixed by this Court.

3. It is the case of the petitioner that he joined in the respondent corporation in the year 1980 as a Conductor. After completion of 32 years of total service, he retired from service as a Helper on attaining superannuation on 31.3.2012. After retirement, the respondents have not paid the terminal benefits such as (i) earned leave salary at his credit (ii) surrendered leave salary (iii) ERBS pension arrears (iv) settlement arrears (v) salary and pension DA arrears and other terminal benefits. In this regard, he made a representation dated 23.6.2016 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 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 IV)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.
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Tamil Nadu State Transport Corporation
(Salem) Ltd.,
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Salem - 636 007.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employee Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.52025

+1cc to Ms.S.Girija, Advocate, S.R.No.51983 (04.10.2016)

W.P.No.31643 of 2016

VD(CO)
CA(27/09/2016)

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