

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31748 of 2016

S.kumaradas

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Transport Department,
Fort St. George, Chennai-9.

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
rep. by its Managing Director,
No.19, Trivandrum Road,
Vannarpettai Post,
Tirunelveli-627 003.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Ranithottam, Nesamani Nagar,
Nagercoil-629001.

.... 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 petitioner the gratuity amount, earned leave salary and medical leave salary, amounting to a total sum of Rs.6,73,274/- along with other terminal benefits, if any, with interest calculated from the date of his retirement dated 31.5.2013 within a time limit on the basis of the petitioner's representation dated 13.7.2016 sent to the respondents.

For Petitioner : Mr.N.Rajan

For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader,
for R.1
Mr.P.Kannan Kumar,
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 pay the gratuity amount, earned leave salary and medical leave salary, amounting to a total sum of Rs.6,73,274/- along with other terminal benefits, if any, with interest calculated from the date of his retirement dated 31.5.2013 within a time limit on the basis of his representation dated 13.7.2016 sent to the respondents.

3. It is the case of the petitioner that he joined the service of the respondent corporation in the year 1983 as a Driver on casual basis. Later, he was promoted to the post of Driving Instructor and he retired from service on attaining the age of superannuation on 31.5.2013. After retirement, the respondent has not paid the terminal benefits such as gratuity amount, earned leave salary and medical leave salary, amounting to a total sum of Rs.6,73,274/- and other terminal benefits. The third respondent has always expressed the inability of the transport corporation to disburse his terminal benefits. In this regard, he made a representation dated 13.7.2016 to the respondents including the first respondent 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. Learned counsel appearing for the petitioner has submitted that the payment of retiral benefits is binding on the respondents and the same has not been denied by the respondents. The third respondent has conceded their liability to pay gratuity amount, provident fund, and earned leave and medical leave salary, on the date of retirement itself by their encashment order dated 31.5.2013. However, the third respondent has always expressed the inability of the transport corporation to disburse his terminal benefits.

5. I have heard the 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 respondents 2 and 3.

6. In view of the submissions made by the learned counsel appearing for the petitioner and the learned Additional Government Pleader, appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3, this

Court is of the view that the respondents 2 and 3 cannot deny the payment of pensionary benefits due to the petitioner. Hence, the respondents 2 and 3 are directed to pay the retiral benefits due to the petitioner along with interest at the rate of 6% p.a., within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary,
State of Tamil Nadu,
Transport Department,
Fort St. George, Chennai-9.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
No.19, Trivandrum Road,
Vannarpettai Post,
Tirunelveli-627 003.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Ranithottam, Nesamani Nagar,
Nagercoil-629001.

सत्यमेव जयते

W.P.No.31748 of 2016

PVS (CO)
Eu 28.09.16

WEB COPY