

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31832 of 2016

R.Ponmani

... Petitioner

Vs.

1 The Managing Director
Tamilnadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem – 7.

2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Medical Leave), Surrender Leave Salary for Year of 2009-2011, Labour Welfare Fund, IRT Share Amount D.A.Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 03.02.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.G.Sakthivel
For Respondents : Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Medical Leave), Surrender Leave Salary for Year of 2009-2011, Labour Welfare Fund, IRT Share Amount D.A.Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 03.02.2015 within the stipulated time as may be fixed by this Court.

3.It is the case of the petitioner that her husband joined in the erstwhile Anna Transport Corporation Salem Limited which after various mergers and demergers, was named as Tamilnadu State Transport Corporation (Salem) Limited on 22.04.1986 and died on 03.02.2015 while he was about to retire from service on 31.05.2015 as Selection Grade Senior Conductor. The petitioner was not paid the

retirement benefits of her husband like Gratuity, Leave Encashment (Earned Leave & Medical Leave), Surrender Leave Salary for Year of 2009-2011, Labour Welfare Fund, IRT Share Amount and D.A.Arrears. Hence, the petitioner made a representation dated 28.08.2016 to the first respondent requesting 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 takes notice for 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 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

R.SUBBIAH,J.

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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.

14.09.2016

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Index: Yes/ No

Internet: Yes/ No

To

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