

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31963 of 2016

N.Kuttaiya Goundar (Staff No.CR1634) ... Petitioner

Vs.

- 1 The Managing Director
Tamilnadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
- 2 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri - 636 705.
- 3 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 & Medical Leave), 45 days Leave Surrender amount for the years (2010, 2011, 2012), ERBS amount, D.A. Arrears, (2013) 5.5 Settlement arrears, 5.5 Pension arrears by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowance also, with interest at 12% per annum with effect from 01.10.2013 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.D.Karthik

For Respondents : Mr.R.K.Gandhi

O R D E R

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 & Medical Leave), 45 days Leave Surrender amount for the years (2010, 2011, 2012), ERBS amount, D.A. Arrears, (2013) 5.5 Settlement arrears, 5.5 Pension arrears by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowance also, with interest at 12% per annum with effect from 01.10.2013 within the stipulated time as may be fixed by this Court.

3.It is the case of the petitioner that he joined in the erstwhile Anna Transport Corporation, Salem which after various mergers and demergers, was named as Tamilnadu State Transport Corporation (Salem) Limited, on 29.12.1984 and retired from service on 31.09.2013 as Selection Grade Senior Conductor. The petitioner was not paid the retirement benefits like Gratuity, Leave Encashment (Earned & Medical Leave), 45 days Leave Surrender amount for the years (2010, 2011, 2012), ERBS amount, D.A. Arrears, (2013) 5.5 Settlement arrears, 5.5 Pension arrears. Hence, the petitioner made a representation dated 19.07.2016 to the respondents 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 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

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director
Tamilnadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
- 2 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
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- 3 The Administrator
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.D.Karthik, Advocate Sr.52335

सत्यमेव जयते

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srg 06/10/2016

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