

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32158 of 2016

K.N.Kumarasamy

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem-636 007.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation, Family Welfare, Labour Fund and other benefits payable to the petitioner with interest at the rate of 18% from 01.04.2013 (i.e.) the date of retirement.

For Petitioner : Mr.T.Jeevanantham

For Respondent : 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 respondent to disburse the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, Family Welfare, Labour Fund and other benefits payable to the petitioner with interest at the rate of 18% from 01.04.2013 (i.e.) the date of retirement.

3. It is the case of the petitioner that he joined in the respondent corporation on 01.08.1979 and retired from service on 31.03.2013 as Senior Grade Checking Inspector. On the date of his retirement, the petitioner was paid the salary and other terminal benefits like provident fund, but, the respondent did not pay retiral benefits viz., Gratuity, IRT

Share, Leave surrender, Earned Leave and Family Welfare Labour Fund. In this regard, he made a representation dated 07.09.2016 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem-636 007.

W.P.No.32158 of 2016

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kra 19.10.2016