

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.09.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.32164 of 2016

S.Ramalingam

... Petitioner

vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai-600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd,
3/137, Salamedu, Valuthareddy - Post
Villupuram-605 602.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd respondent to disburse the retirement benefits viz., Gratuity of Rs.5,46,000/-, E.L.Leave Surrender Salary Rs.1,21,000/- and IRT Contribution Rs.4,500/- the total comes to Rs.6,71,500/- (Rupees Six Lakhs Seventy One Thousand and Five Hundred only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.06.2016 as Special Grade Driver in the 2nd respondent's office.

For Petitioner : Mr.D.Veersekaran

For Respondents : Mr.R Venkatesh (R1)
Government Advocate
Mr.P.Kannankumar (R2)

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 second respondent to disburse the retirement benefits viz., Gratuity of Rs.5,46,000/-, E.L.Leave Surrender Salary Rs.1,21,000/- and IRT Contribution Rs.4,500/- the total comes to Rs.6,71,500/- (Rupees Six Lakhs Seventy One Thousand and Five Hundred only) with 18%

interest on delayed payment to the petitioner who is retired from service on 30.06.2016 as Special Grade Driver in the 2nd respondent's office.

3. It is the case of the petitioner that he joined in the respondent corporation on 26.12.1989 as Driver. Subsequently, he was upgraded as Selection Grade Driver on 30.12.2013. He retired from service as Selection Grade Driver on attaining superannuation on 30.06.2016.

4. After retirement, the respondents have not settled the terminal benefits which are due to him as on the date of retirement are as under:

SL. No	Terminal Benefits	Amount due Rs.
1.	Gratuity	5,46,000/-
2.	E.L. Leave Surrender	1,21,000/-
4.	I.R.T.Contribution	4,500/-
5.	Total Amount	Rs.6,71,500/-

5. The petitioner regularly went and enquired about his retirement benefits in the first week of every English Calender month to the second respondents office. The said officials repeatedly informed that the said retirement benefits will be settled in the subsequent months. But, for the past two months, the respondents have not chosen to settle the terminal benefits to the petitioner. Hence, the present writ petition.

6. I have heard the learned counsel appearing for the petitioner and the learned counsels, who has taken notice on behalf of the respondents.

7. 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).

8. 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.

9. With the above direction, the present writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd,
3/137, Salamedu, Valuthareddy - Post
Villupuram-605 602.

+1 cc to M/s.D.Veerasekaran Advocate sr 52309
+1 cc to the Government Pleader sr 52531

W.P.No.32164 of 2016

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सत्यमेव जयते

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