

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32251 of 2016

V.Rajan

... 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 the benefits of Earned and Unearned leave, the benefit of old medical leave and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

For Petitioner : Mr.A.Nagarathinam

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 the benefits of Earned and Unearned leave, the benefit of old medical leave and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

3. It is the case of the petitioner that he joined in the respondent corporation on 22.09.1981 and retired from service on 30.12.2012 as Selection Grade Senior Driver. On the

date of his retirement, the petitioner was paid the salary and other terminal benefits like provident fund, IRT Share and Labour Welfare Fund and have been paying the amount of commutation in instalments, but, the respondent did not pay the retirement benefits such as Gratuity, the benefits of earned and unearned leave, old medical leave benefit and other retirement benefits at the time of retirement. In this regard, he made a representation dated 03.09.2016 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 II)

//True Copy//

Sub Assistant Registrar

arr

To

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

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.52428

W.P.No.32251 of 2016

KK(CO)
CA(06/10/2016)



WEB COPY