

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.32215 of 2016

S.Sivashanmugam

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem-636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box no.713,
Salem-636 007.
3. The Administrator,
Tamil Nadu State Transport
Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Payment of Commuted Value of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund

and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : 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 respondents to settle the payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Payment of Commuted Value of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

3. It is the case of the petitioner that he joined in the respondent corporation on 05.03.1987 as Driver. He retired from service as a Selection Grade Senior Driver on attaining superannuation on 31.08.2015. On the date of his retirement, the retiral benefits such as gratuity, Earned Leave, Medical Leave & Old Medical Leave, Payment of Commuted Value of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits were not settled to him. In this regard, he made a representation dated 20.08.2016 to the respondents requesting them 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 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 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.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishna Road,
Post Box No.713, Salem-636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation(Salem) Ltd.,
Salem Division, No.12, Ramakrishna Road,
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3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

1 CC to Mr. N.Sudhagar Nagaraj, Advocate, SR. 52596

W.P.No.32215 of 2016

CTR (CO)
PSI 06/10/2016