

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.32248 of 2016

M.Rajendran

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
(Coimbatore Division) Ltd,
Coimbatore-641 043.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.6,01,230/- + Provident fund of Rs.4,02,552/- + commutation sum of Rs.2,56,052/- + CH Pay sum of Rs.16,000/- + sss fund sum of Rs.46,000/- college fund sum of Rs.4500/-. Totally sum of Rs.13,28,886/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till date of retirement i.e. 31.01.2016 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.02.2016 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.R.Y.George Williams
For Respondent : Mr.S.Sairaman

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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 settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.6,01,230/- , Provident fund of Rs.4,02,552/- ,

commutation sum of Rs.2,56,052/-, CH Pay of Rs.16,000/-, SSSS fund of Rs.46,000/-, college fund of Rs.4500/-. Totally a sum of Rs.13,28,886/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till date of retirement i.e. 31.01.2016 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.02.2016 to till the date of disbursement of the terminal benefits to the petitioner.

3. It is the case of the petitioner that he joined in the respondent corporation on 01.06.1988 as a driver. Subsequently, he was promoted as Special Grade Driver on 04.08.2015 and retired from service on 31.01.2016 as Special Grade Driver. On the date of his retirement, the petitioner was paid the salary and provident fund, but, the respondent did not pay the terminal benefits like Gratuity amount, Provident fund along with interest @ 12%, commutation, CH Pay, SSSS fund, college fund and arrears of amounts from 01.09.2013 to 31.01.2016 as per 12 (3) of settlement. In this regard, he made a representation dated 29.8.2016 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/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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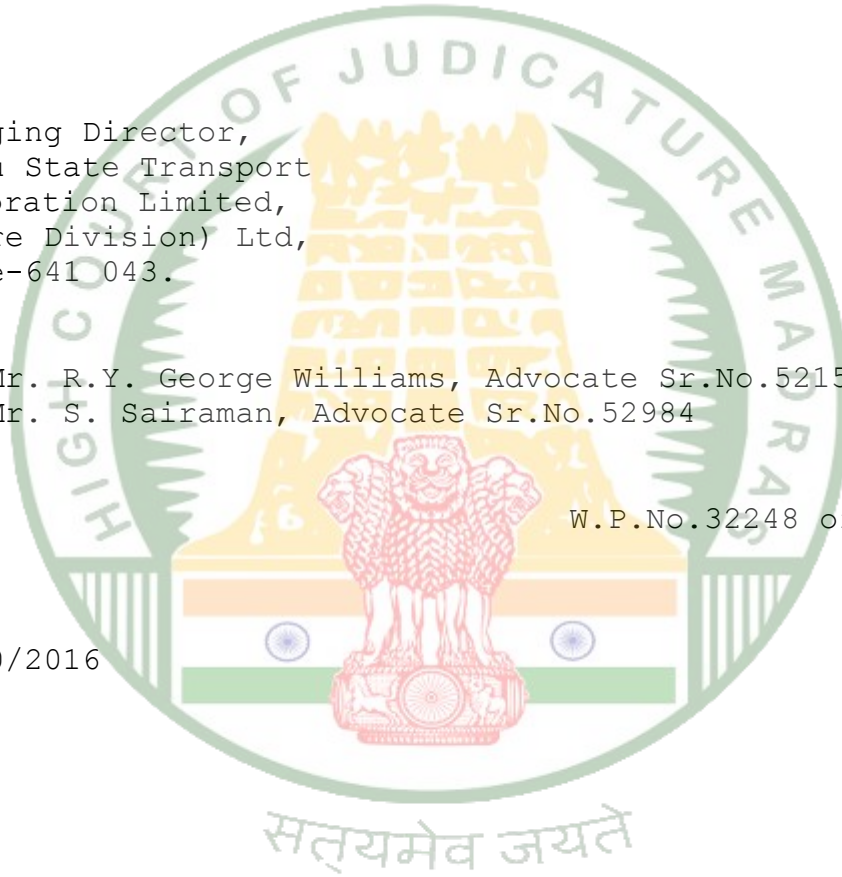
To

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
(Coimbatore Division) Ltd,
Coimbatore-641 043.

+1 CC to Mr. R.Y. George Williams, Advocate Sr.No.52158
+1 CC to Mr. S. Sairaman, Advocate Sr.No.52984

W.P.No.32248 of 2016

KGK (CO)
MD : 17/10/2016



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