

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32314 of 2016

N.Periyasamy

... Petitioner

Vs.

1. The Managing Director  
Tamilnadu State Transport Corporation (Salem) Limited,  
Salem Division  
No.12, Ramakrishna Road,  
Post Box No.713,  
Salem - 636 007.
2. The General Manager  
Tamilnadu State Transport Corporation (Salem) Limited,  
Salem Division  
No.12, Ramakrishna Road,  
Post Box No.713,  
Salem - 636 007.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.K.Gandhi

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave,

Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 25.02.1984 and retired from service on 31.10.2012 as Selection Grade Senior Driver. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Employees Retirement Benefit Scheme (ERBS) etc. Hence, the petitioner made a representation dated 20.08.2016 to the respondent requesting 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 takes notice for 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 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 III)

//True Copy//

Sub Assistant Registrar

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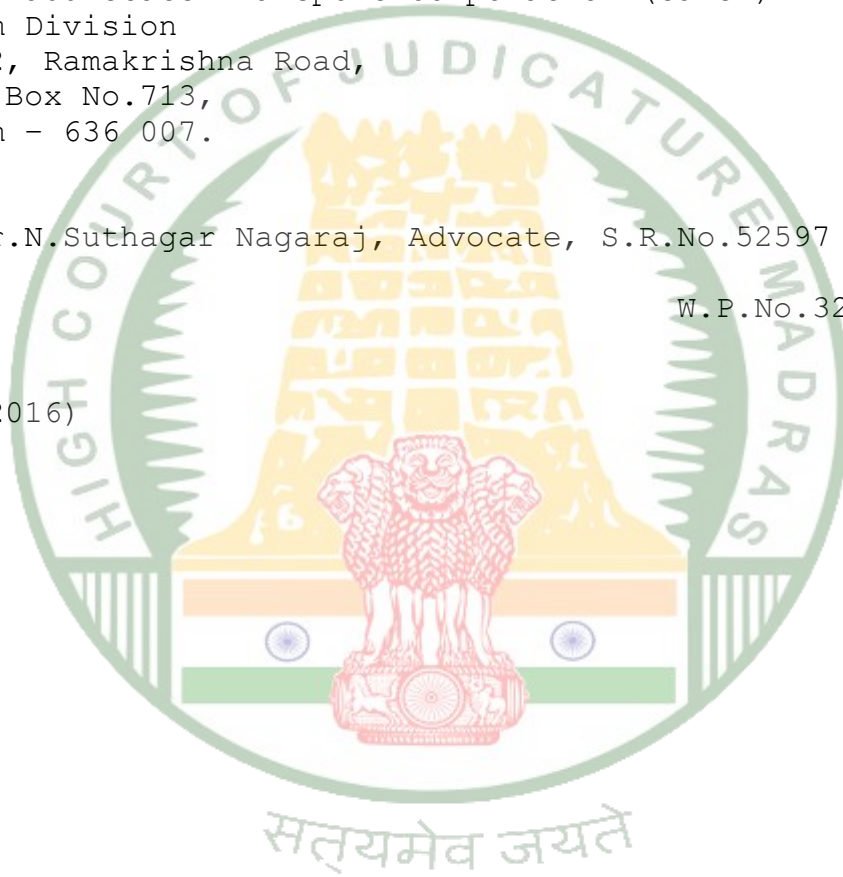
To

1. The Managing Director  
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+1cc to Mr.N.Suthagar Nagaraj, Advocate, S.R.No.52597

W.P.No.32314 of 2016

NR(CO)  
CA(22/10/2016)



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