

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32380 of 2016

C.Durairaj, Staff No.MSR047

... Petitioner

Vs.

1 The Government of Tamil Nadu
Rep by the Secretary,
Transport Department,
Secretariat, St. George Fort, Chennai – 600 009.

2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem – 636 007.

3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem – 636 007.

4 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to

issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Earned Leave Balance, M.L. Credit, E.L. Surrender, ERBS Pension arrears, Pension DA Arrears and Interest for belated settlement of commutation and gratuity and in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.01.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.K.Gunasekaran for R1
Mr.R.K.Gandhi for R2 to R4

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 the petitioner's retirement benefits including Gratuity, Earned Leave Balance, M.L. Credit, E.L. Surrender, ERBS Pension arrears, Pension DA Arrears and Interest for belated settlement of commutation and gratuity and in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to

pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.01.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

3.It is the case of the petitioner that he joined in the second respondent Corporation on 04.07.1981 and retired from service on 31.01.2013 as Sec. Guard Lt. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave Balance, M.L. Credit, E.L. Surrender, ERBS Pension arrears, Pension DA Arrears and Interest for belated settlement of commutation and gratuity. Hence, the petitioner made a representation dated 27.06.2016 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 respective learned counsels who take 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.

16.09.2016

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Index: Yes/ No
Internet: Yes/ No

Note: Issue order copy on 3.10.16

To

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R.SUBBIAH,J.
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