

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.32407 of 2016

N.Mayilvakanan

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Limited,
Rep. by its Managing Director,
Erode Region,
Erode.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.8,87,723/- towards Gratuity, Rs.7,15,252/- towards E.P.F. Employee's Contributions, Rs.6,48,620/- towards Leave Salary and Rs.1,47,600/- towards Encashment of Leave On Personal Affairs, together with 18% interest per annum, within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.V.Ajoykhose
For Respondent : Mr.P.Kannan Kumar

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 respondent to pay the petitioner Rs.8,87,723/- towards Gratuity, Rs.7,15,252/- towards E.P.F. Employee's Contributions, Rs.6,48,620/- towards Leave Salary and Rs.1,47,600/- towards Encashment of Leave On Personal Affairs, together with 18% interest per annum, within a time frame as may be fixed by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 29.05.1986 and retired from service on 30.06.2016 as Selection Grade Superintendent. The petitioner was not paid the retirement benefits like Gratuity, E.P.F. Employee's Contributions, Leave Salary and Encashment of Leave On Personal Affairs. Hence, the petitioner made a representation dated 17.08.2016 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 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.

16.09.2016

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Index: Yes/ No
Internet: Yes/ No

R.SUBBIAH,J.
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To

The Management of
Tamilnadu State Transport Corporation (Kovai) Limited,
Rep. by its Managing Director,
Erode Region,
Erode.

W.P.No.32407 of 2016

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