

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32445 of 2016

S.Illal

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy – Post,
Villupuram – 605 602.
- 3 The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavansalai,
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 retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML 98), Commutation of Pension, DA Arrears, PF arrears, Pension DA arrears Settlement arrears, Pension arrears and other eligible terminal

benefits after taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.03.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan
For Respondents : Mr.S.Gunasekaran for R1
Additional Government Pleader
Mr.S.Sairaman for R2 and R3

ORDER

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 retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML 98), Commutation of Pension, DA Arrears, PF arrears, Pension DA arrears Settlement arrears, Pension arrears and other eligible terminal benefits after taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.03.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

3.It is the case of the petitioner that he was appointed on

23.08.1985 and retired from service on 31.03.2014 as Selection Grade Conductor. The petitioner was not paid the retirement benefits like Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML 98), Commutation of Pension, DA Arrears, PF arrears, Pension DA arrears Settlement arrears, Pension arrears. Hence, the petitioner made representations dated 09.12.2015 and 18.07.2016 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, the learned Additional Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

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

To

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R.SUBBIAH,J.

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