

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32521 of 2016

R.Duraisamy

... Petitioner

vs.

The Tamil Nadu State Transport
Corporation
(Kovai) Limited rep. by its
Managing Director,
No.37, Mettupalayam Salai,
Coimbatore-43.

... 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 terminal benefits of the petitioner, namely, Gratuity amount of Rs.8,00,000/-, Provident Fund amount of Rs.6,00,000/-, Surrender of Earned Leave 128 days and Medical Leave 35 days amount of Rs.2,60,800/-, Social Security Scheme Amount of Rs.36,000/-, Commutation amount of Rs.3,18,000/- and balance amount from 2013 settlement effect of Rs.7,100/- altogether a sum of Rs.20,21,900/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 19.08.2016.

For Petitioner : Mr.D.Soundarraaj

For Respondent : Mr.P.Kannan Kumar

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 terminal benefits of the petitioner, namely, Gratuity amount of Rs.8,00,000/-, Provident Fund amount of Rs.6,00,000/-, Surrender of Earned Leave 128 days and Medical Leave 35 days amount of Rs.2,60,800/-, Social Security Scheme Amount of Rs.36,000/-, Commutation amount of Rs.3,18,000/- and balance amount from 2013 settlement effect of Rs.7,100/- altogether a sum of Rs.20,21,900/- with interest at the rate of 6% per annum taking

into consideration of the representation of the petitioner dated 19.08.2016, within a stipulated period fixed by this Court.

3. It is the case of the petitioner that he joined in the respondent corporation on 14.01.1981 as driver and retired from service on 30.06.2015 as Special Grade Driver. On the date of his retirement, no terminal benefits were settled to the petitioner. In this regard, he made a representation dated 19.8.2016 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/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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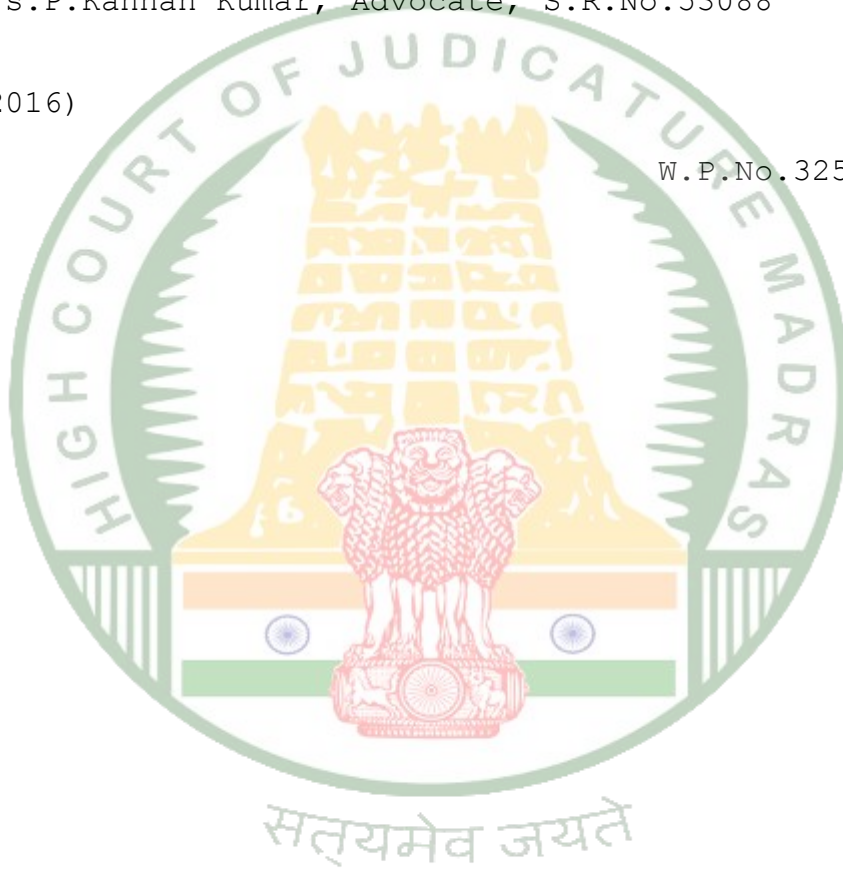
To

The Managing Director,
Tamil Nadu State Transport Corporation
(Kovai) Limited,
No.37, Mettupalayam Salai,
Coimbatore-43.

+1cc to M/s. D. Soundarraaj, Advocate, S.R.No.52773
+1cc to M/s.P.Kannan Kumar, Advocate, S.R.No.53088

PSK(CO)
EU(01/11/2016)

W.P.No.32521 of 2016



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