

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32553 of 2016

A.Liakath Alli

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House,
Pallavan Salai, Chennai-2.Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 30.04.2012 in view of the petitioner's representation dated 25.08.2016 within the time stipulated by this Court.

For Petitioner : Mr.S.Ramajayam

For Respondents : Mr.R.K.Gandhi

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 due and payable to the petitioner with interest at 12% per annum with effect from 30.04.2012 taking into consideration of the representation of the petitioner dated 25.08.2016, within a stipulated period fixed by this Court.

3. It is the case of the petitioner that he joined in the respondent corporation on 01.01.1980 as Conductor and retired from service on 30.04.2012 as SG. Senior Conductor. But the respondents have not settled the medical leave benefit for 40.5 days and voluntary surrender leave pay for 172 days totally 212.5 days, an amount of Rs.1,68,924/- and the amount pertaining to Employees Retirement Benefits Scheme to the petitioner. In this regard, he made a representation dated 25.08.2016 to the respondents requesting them 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 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 respondents are 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.

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7. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House,
Pallavan Salai, Chennai-2.

1 CC to Mr.S.Ramajayam, Advocate, SR. 52727

1 CC to Mr.R.K.Gandhi, Advocate, SR. 52978

W.P.No.32553 of 2016

PSK (CO)
PSI 06/10/2016

सत्यमेव जयते

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