

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32662 of 2016

P.Subramaniyan

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram-605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Cuddalore Region, Cuddalore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, EL Surrender and SL Surrender etc. with interest at the rate of not less than 18% p.a. payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. on 31.05.2013 till date of actual payment to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.S.Sairaman

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 respondents to settle the petitioner's retirement benefits including Gratuity, EL Surrender and SL Surrender etc. with interest at the rate of not

less than 18% p.a. payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. on 31.05.2013 till date of actual payment to the petitioner within a time frame fixed by this Court.

3. It is the case of the petitioner that he joined in the 2nd respondent corporation on 25.01.1986 as Driver. He retired from service as a Special Grade Driver on attaining superannuation on 31.05.2013. On the date of his retirement, he was paid Provident Fund for a sum of Rs.38,000/-. But, so far, no other retirement benefits have been paid to him. In this regard, he made a representation dated 14.06.2016 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsi

To

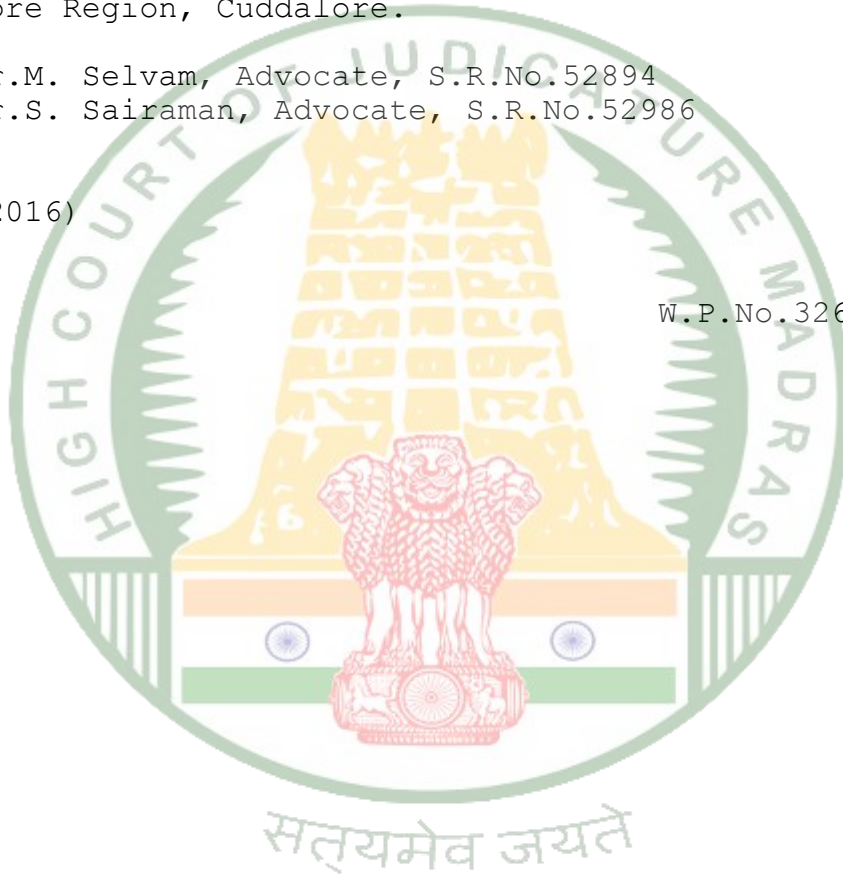
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Cuddalore Region, Cuddalore.

+1cc to Mr.M. Selvam, Advocate, S.R.No.52894
+1cc to Mr.S. Sairaman, Advocate, S.R.No.52986

MSM(CO)
EU(22/10/2016)

W.P.No.32662 of 2016



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