

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32759 of 2016

V.Ganesan

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport
Corporation
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 respondents to disburse the payments relating to provident funds, gratuity, pension commutation, family welfare fund balance ERBS pension arrears, surrender leave salary, i.e., earned leave balance as on 29.2.2016, balance dearness allowance, surrender medical leave salary upto 1.9.1998 by calculating DA eligible as per newly implemented scheme, with interest at 12% per annum with effect from 1.4.2016 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

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 respondents to disburse the payments relating to provident funds, gratuity, pension commutation, family welfare fund balance ERBS pension arrears,

surrender leave salary, i.e., earned leave balance as on 29.2.2016, balance dearness allowance, surrender medical leave salary upto 1.9.1998 by calculating DA eligible as per newly implemented scheme, with interest at 12% per annum with effect from 1.4.2016 within stipulated time as may be fixed by this Court.

3. It is the case of the petitioner that he joined in the service of the respondent corporation on 10.3.1993 and retired from service on 29.2.2016. After retirement, the respondents have not paid the terminal benefits such as provident funds, gratuity, pension commutation, family welfare fund balance ERBS pension arrears, surrender leave salary, i.e., earned leave balance as on 29.2.2016, balance dearness allowance, surrender medical leave salary upto 1.9.1998. In this regard, he made a representation dated 9.9.2016 to the respondent. But, so far, the respondents have not taken any steps to settle his terminal benefits. 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/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

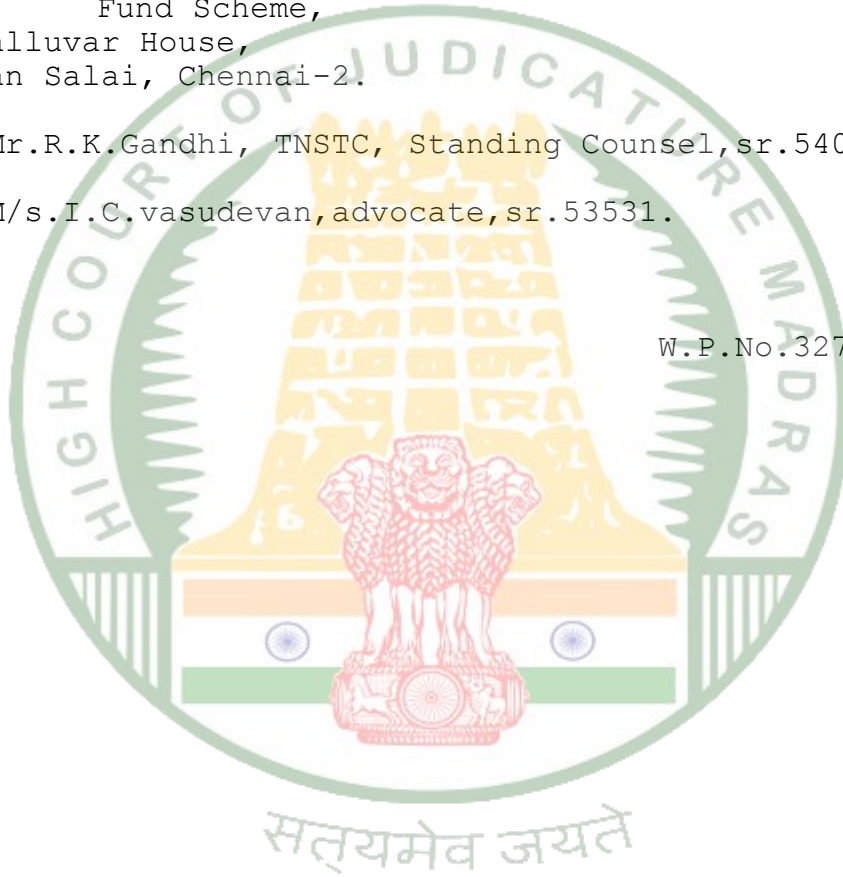
2.The Administrator,
Tamil Nadu State Transport
Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1 cc to Mr.R.K.Gandhi, TNSTC, Standing Counsel, sr.54042

+1 cc to M/s.I.C.vasudevan, advocate, sr.53531.

Nr(co)
krd 24/10

W.P.No.32759 of 2016



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