

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32965 of 2016

S.Palaniappan

... Petitioner

Vs.

- 1 The Managing Director
Tamilnadu State Transport
Corporation Limited,
Salem Division
12, Ramakrishna Road,
Salem - 636 007.
 - 2 The Administrator
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
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 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 D.A.eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.04.2016 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.R.K.Gandhi

O R D E R

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 payment of Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension Arrears, Surrender Leave Salary i.e.Earned Leave balance as on 29.02.2016, balance Dearness Allowance, surrender Medical Leave salary upto 01.09.1998 by calculating D.A.eligible as per newly implemented Scheme, with interest at 12% per annum with effect from 01.04.2016 within stipulated time as may be fixed by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 29.05.1987 and retired from service on 29.02.2016 as Selection Grade Conductor. The petitioner was not paid the retirement benefits like Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension Arrears, Surrender Leave Salary i.e.Earned Leave balance as on 29.02.2016, balance Dearness Allowance, surrender Medical Leave salary upto 01.09.1998. Hence, the petitioner made a representation dated 09.09.2016 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 and the learned counsel who takes notice for 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 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 VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Managing Director
Tamilnadu State Transport
Corporation Limited,
Salem Division
12, Ramakrishna Road,
Salem - 636 007.
- 2 The Administrator
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

1 cc to Mr.I.C.Vasudevan, Advocate, sr.53532

1 cc to Mr.R.K.Gandhi, Advocate, sr.54044

सत्यमेव जयते

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pvs co
kra 07.10.2016

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