

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.Nos.33085 of 2016

P.Selvaraj

... Petitioner

Vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007
 2. The General Manager,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007
 3. The Administrator,
Tamil Nadu State Transport Corporation Employee
Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002
- Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent to disburse to the petitioner, his legitimately entitlements of terminal benefits viz. (i) Gratuity (ii) Earned Leave Salary at his credit (iii) Surrendered Leave Salary (iv) ERBS pension arrears (v) Settlement arrears (vi) Salary and pension DA arrears and other terminal benefits payable to him with interest at 12% per annum with effect from 01.02.2013 within the stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Girija

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 respondent to disburse to the petitioner, his legitimately entitlements of terminal benefits viz., Gratuity, Earned Leave Salary at his credit, Surrendered Leave Salary, ERBS pension arrears, Settlement arrears, Salary and pension DA arrears and other terminal benefits payable to him with interest at 12% p.a. with effect from 01.02.2013.

3. It is the case of the petitioner that he has joined as Conductor on 01.09.1980, under the service of first respondent/corporation. After completion of 33 years of service, he had retired on superannuation as Senior Checking Inspector on 31.01.2013. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave Salary, Surrendered leave salary, ERBS pension arrears, settlement arrears, salary and pension DA arrears. Hence, the petitioner made a representation dated 18.07.2016 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 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 installments, 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 installment shall commence from 1.12.2016.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director
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(Salem) Ltd.,
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Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/S.S.Girija, Advocate Sr.53730
+1cc to M/S.R.K.Gandhi, Standing Counsel Sr.54048

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srg 06/10/2016