

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33251 of 2016

A.Sivalingam

... Petitioner

vs.

- 1.The Government of Tamil Nadu
Rep.by the Secretary
Transport Department,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road,
Salem - 636 007.
- 3.The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road,
Salem - 636 007.
- 4.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... 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, Earned Leave Balance, E.L. Surrender, M.L. Credit, ERBS Pension arrears, Pension DA Arrears, IRT Medical college Fund, Balance amount of commutation and Interest for belated settlement of commutation and gratuity, provident fund, Labour Welfare fund and other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date

of retirement i.e., 28.02.2015 till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam
For R1 : Mr.S.Gunasekaran,AGP
For R2 to R4 : 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 settle the petitioner's retirement benefits including Gratuity, Earned Leave Balance, E.L. Surrender, M.L. Credit, ERBS Pension arrears, Pension DA Arrears, IRT Medical college Fund, Balance amount of commutation and Interest for belated settlement of commutation and gratuity, provident fund, Labour Welfare fund and in other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 28.02.2015 to till date of actual payment to the petitioner within a stipulated time that may be fixed by this Court.

3. It is the case of the petitioner that he joined in the Tamil Nadu State Transport Corporation on 23.02.1981 as Helper. He retired from service as Senior Tradesman in the 2nd respondent Corporation on attaining superannuation on 28.02.2015. On the date of his retirement, the respondents have not paid the terminal benefits such as gratuity etc. to the petitioner. In this regard, he made a representation dated 27.07.2016 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 Additional Government Pleader for the 1st respondent and the learned Counsel, who has taken notice on behalf of the respondents 2 to 4.

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 II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Government of Tamil Nadu
Rep.by the Secretary
Transport Department,
Secretariat, St.George Fort,
Chennai - 600 009.
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Tamil Nadu State Transport
Corporation (Salem) Limited
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Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002

+1cc to M/s. M. Selvam, Advocate, S.R.No.53844
+1cc to the Government Pleader, S.R.No.54474

PSK(CO)
EU(1/11/2016)

W.P.No.33251 of 2016