

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.33256 of 2016

R.Thangapazham

... Petitioner

vs.

1. The Government of Tamil Nadu
rep. by the Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai-600 009.
 2. The Managing Director,
Metropolitan Transport Corporation
(VPM) Limited,
3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.
 3. The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
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 2nd and 3rd respondents to disburse the retirement benefits viz. Gratuity for a sum of Rs.2,25,000/-, Earned Leave Surrender Salary amount of Rs.10,000/-, Pension Arrears amount for a sum of Rs.12,000/- totally comes to Rs.2,47,000/- (Rupees Two Lakhs and Forty Seven Thousand Only) with 18% interest on delayed payment to the petitioner who has retired from service on 30.09.2013 as selection Grade Driver in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran
For 1st Respondent: Mr.R.Venkatesh,
Government Advocate
For 2nd respondent: 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 2nd and 3rd respondents to disburse the retirement benefits viz. Gratuity for a sum of Rs.2,25,000/-, Earned Leave Surrender Salary amount of Rs.10,000/-, Pension Arrears amount for a sum of Rs.12,000/- totally comes to Rs.2,47,000/- (Rupees Two Lakhs and Forty Seven Thousand Only) with 18% interest on delayed payment to the petitioner who has retired from service on 30.09.2013.

3. The petitioner joined the services of the Thanthai Periyar Transport Corporation Limited as Driver on 01.07.1992. After amalgamation with Pattukottai Alagiri Transport Corporation, the then Corporation was renamed as Tamil Nadu State Transport Corporation (VPM) Limited. Subsequently, he was upgraded as Senior Driver on 01.07.1998 and thereafter, further upgraded as Selection Grade Driver Instructor on 01.08.2012 and retired from service on 30.09.2013. The grievance of the petitioners is that though he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents 1 and 2.

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

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai-600 009.
2. The Managing Director,
Metropolitan Transport Corporation
(VPM) Limited, 3/137, Salamedu,
Valuthareddy Post, Villupuram-605 602.
3. The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-2.

1 cc to M/s.D.Veerasekaran, Advocate, sr.53762
1 cc to S.Sairaman, Advocate, sr.54869
1 cc to Government Pleader, sr.54217

W.P.No.33256 of 2016

ad co
kra 19.10.2016