

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33466 of 2016

M.Kandasamy

... Petitioner

Vs.

1 The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai – 600 009.

2 The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

3 The Administrator
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
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 2nd and 3rd respondents to disburse the retirement benefits viz., Gratuity amount of Rs.5,25,000/- Earned Leave Salary amount of Rs.2,00,000/- and Pension Commutation of Rs.2,40,000/- All totally comes to Rs.9,65,000/- (Rupees Nine Lakhs Sixty Five Thousand Only) with 18% interest on delayed payment to the petitioner Staff No J03172 who is retired from

service on 28.02.2014 as Special Grade Driver in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.R.Venkatesh for R1
Government Advocate
Mr.S.Sairaman for R2 and R3

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 2 and 3 to disburse the retirement benefits viz., Gratuity amount of Rs.5,25,000/- Earned Leave Salary amount of Rs.2,00,000/- and Pension Commutation of Rs.2,40,000/- All totally comes to Rs.9,65,000/-(Rupees Nine Lakhs Sixty Five Thousand Only) with 18% interest on delayed payment to the petitioner Staff No J03172 who is retired from service on 28.02.2014 as Special Grade Driver in the second respondent's office.

3.It is the case of the petitioner that he joined in the Cheran Transport Corporation which, after amalgamation was renamed as Tamil Nadu State Transport Corporation (CBE) Limited, on 26.07.1983 and retired from service on 28.02.2014 as Special Grade Driver. The

petitioner was not paid the retirement benefits like Gratuity, Earned Leave Salary and Pension Commutation. 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, learned Government Advocate who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

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.

23.09.2016

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Index: Yes/ No

Internet: Yes/ No

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