

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.33472 of 2016

K.Thangamani

... Petitioner

Vs.

1 Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Rep. by its Managing Director,
12, Ramakrishna Road,
Salem – 636 007.

2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Region,
Attur Depot,
Salem District.

3 Tamil Nadu State Transport Corporations
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam,
Anna Salai, Chennai – 2.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay and settle all the retirement benefits due to the petitioner including Gratuity, Leave Salary, Commuted Value of Pension, Provident Fund, IRD Share Amount, Dearness Allowance, Bonus, Retirement period of Welfare

Fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner, within a specified time limit as may be fixed by this Honourable Court.

For Petitioner : Mr.S.P.Parvadhraj Arumugam
For Respondents : Mr.R.K.Gandhi

ORDER

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 pay and settle all the retirement benefits due to the petitioner including Gratuity, Leave Salary, Commuted Value of Pension, Provident Fund, IRD Share Amount, Dearness Allowance, Bonus, Retirement period of Welfare Fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner, within a specified time limit as may be fixed by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 25.08.1990 and retired from service on 31.03.2015 under the Voluntary Retirement Scheme as Senior Grade Driver. The

petitioner was not paid the retirement benefits like Gratuity, Leave Salary, Commuted Value of Pension, Provident Fund, IRD Share Amount, Dearness Allowance, Bonus, Retirement period of Welfare Fund. Hence, the petitioner made a representation dated 11.08.2016 to the respondents 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.

23.09.2016

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Index: Yes/ No

Internet: Yes/ No

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