

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33683 of 2016

K.Mohanasundaram

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport
Corporation
Employees Post Retirement Welfare
Fund Scheme,
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 Respondents to disburse the payments relating to Provident Funds, Gratuity, pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave salary i.e Earned Leave balance as on 31.5.2013, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from ***01.06.2013** within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : 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 disburse the payments relating to Provident Funds, Gratuity, pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave salary i.e Earned Leave balance as on 31.5.2013, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from ***01.06.2013** within stipulated time as may be fixed by this Court.

3. It is the case of the petitioner that he joined the services of the Transport Corporation and he retired from service long before. The grievance of the petitioner 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.

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 IV)
Dated:7/10/2016

*Amended as per the order dated 30/11/2016 and made herein.

Sd/-
Assistant Registrar (CS-IV)
Dated:09/12/2016

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

To be substituted to
the order already
despatched on 3.11.2016

2.The Administrator,
Tamil Nadu State Transport
Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

+1cc to M/s.R.K.Gandhi, Advocate Sr.54887
+1cc to M/S.I.C.Vasudevan, Advocate ***Sr.71015**

W.P.No.33683 of 2016

sm[co]
mk 18/10/2016
srg 14/12/2016