

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33912 of 2016

K.Ponnusamy, Staff No.TR5235

... Petitioner

Vs.

1 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road,
Salem – 636 007.

2 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
Dharmapuri Region,
Bharathipuram, Dharmapuri.

3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
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 respondents to settle the petitioner's retirement benefits including Gratuity and Surrender Leave (EL) 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. 31.10.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.M.Selvam
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 settle the petitioner's retirement benefits including Gratuity and Surrender Leave (EL) 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. 31.10.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

3.It is the case of the petitioner that he joined in the then Annai Sathya Transport Corporation on 29.06.1990 and retired from service on 31.10.2012 as Senior Tradesman. The petitioner was not paid the

retirement benefits like Gratuity and Surrender Leave (EL). Hence, the petitioner made a oral representation dated 08.02.2016 to the respondent 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.

27.09.2016

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Index: Yes/ No

Internet: Yes/ No

To

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R.SUBBIAH,J.
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