

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.33929 of 2016

M.Tharmaraj

... Petitioner

Vs.

- 1 Tamilnadu State Transport Corporation
(Villupuram) Ltd., rep. by its Managing
Director, 3/37, Salamedu, Vazhuthareddy
Post, Villupuram – 605 602.
 - 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Kancheepuram Region,
Ponnerikarai, Bangalore National Highways,
Kancheepuram – 631 552.
 - 3 The Administrator
Tamilnadu State Transport Corporations
Employees Pension Fund Trust,
Thiruvalluvar Illam, 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 pay the petitioner a sum of Rs.6,58,125/- towards gratuity; to pay him a sum of Rs.1,89,583/- towards earned leave salary for 136.5 days; to pay him a sum of Rs.2,73,625/- towards commuted value of pension; to pay him a sum of Rs.5,896/- towards last instalment of settlement

arrears; to pay the petitioner a sum of Rs.3,042/- towards arrears of difference in dearness allowance; to pay him IRT contributions and to pay the petitioner monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears from the date of his retirement together with interest at the rate of 12% per annum for all the above benefits, award costs.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.P.Kannan Kumar

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 the petitioner a sum of Rs.6,58,125/- towards gratuity; to pay him a sum of Rs.1,89,583/- towards earned leave salary for 136.5 days; to pay him a sum of Rs.2,73,625/- towards commuted value of pension; to pay him a sum of Rs.5,896/- towards last instalment of settlement arrears; to pay the petitioner a sum of Rs.3,042/- towards arrears of difference in dearness allowance; to pay him IRT contributions and to pay the petitioner monthly pension payable to the petitioner under the Post Retirement Scheme, with arrears from the date of his retirement together with interest at the rate of 12% per annum for all the above benefits, award costs.

3.It is the case of the petitioner that he joined in the respondent Corporation on 05.05.1986 and retired from service on 31.05.2016 as Checking Inspector. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave Salary, Commuted Value of Pension, Settlement Arrears, Arrears of difference in Dearness Allowance and IRT Contribution. Hence, the petitioner made a representation dated 10.09.2016 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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