

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34595 of 2016

R.Chinnaraju

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
 2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
 3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to disburse to the petitioner, his legitimate entitlements of terminal benefits viz. (i) Gratuity (ii) Earned Leave and Medical leave Salary at his credit (iii) Surrendered Leave Salary and other terminal benefits approximately amounting to Rs.9 lakhs with interest at 12% per annum with effect from 01.11.2014 or atleast to an extent of Rs.6 lakhs in one instalment as a special case to clear the loan commitment and to protect his property from litigation.

For Petitioner : Ms.S.Giriya
For Respondents : Mr.R.K.Gandhi

O R D E R

By consent, the main Writ Petition itself is taken up for final disposal.

2. The petitioner joined the services of the Transport Corporation and he retired from service on 31.10.2014. The grievance of the petitioner is that though he retired from service long before, till date, he is not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondents, on various dates. However, till date, there is no response. Aggrieved by the same, the present Writ Petition is filed.

3. Learned counsel for the petitioner submitted that the petitioner's wife is afflicted with breast cancer and that he is in dire need of his terminal benefits to meet his wife's medical expenses. Hence, she pleaded that a direction may be issued to the respondents to pay a sum of Rs.6 lakhs to the petitioner out of his terminal benefits, as a first instalment, to meet out the medical expenses of the petitioner's wife.

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 a 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. In the light of the said Division Bench judgment of this Court, without going into the merits of the case, the respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in four monthly instalments. The respondents are directed to pay a sum of Rs.4 lakhs (Rupees Four Lakhs only) to the petitioner as a first instalment. It is also made clear that the first instalment payable to the petitioner shall commence from 01.12.2016.

With the above direction, this Writ Petition is disposed of.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Chennai 600 002.

+1 cc to M/s.S.Girija Advocate sr 69056

W.P.No.34595 of 2016

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