

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34600 of 2016

D.Mathaiyan
Retired Special GR Conductor,
86 CR1012857
Retired Employees Welfare Association,
Coimbatore District. ... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043. ... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent to settle the entire retirement benefits of the petitioner ie., Gratuity amount of Rs.6,20,946 + Provident Fund sum of Rs.8,63,488/- + Commutation Fund sum of Rs.2,67,001/- + Medical Fund sum of Rs.4,500/- + CH pay sum of Rs.3,06,240/- + Earned Leave Rs.57,420/- + Earned Leave before 1998 sum of Rs.61,248/- = Totally sum of Rs.21,80,843/- + arrears of amounts as per 12 (3) Settlement with effect from 01.09.2013 to till the date of retirement i.e, 30.06.2016 and other attendant benefits and enhanced dearness allowance along with 18% interest on delayed payment from 01.07.2016 till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.R.Y.George Williams
For Respondent : Mr.S.Sairaman

ORDER

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. The grievance of the petitioner is that though he retired from service, till date,

he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondent.

4. 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).

5. 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.

6. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road, Coimbatore-641 043.

+1cc to Mr.S.Sairaman, Advocate Sr.56431
+1cc to Mr.R.Y.George William, Advocate Sr.56432

W.P.No.34600 of 2016

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srg 24/11/2016