

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34833 of 2016

K.Palanivelu

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
2. The Officer-in-Charge,
Anna Transport Corporation Employees
Provident Fund Trust,
Tamil Nadu State Transport Corporation
(Salem) Limited, Salem-636 007. Respondents

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 terminal benefit of Provident Fund due and payable to the petitioner with interest at 12% per annum with effect from 31.08.2015 in view of the petitioner's representation dated 30.06.2016 within a stipulated time.

For Petitioner : Mr.G.Pernaban

For Respondent : Mr.P.Kannan Kumar

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to settle the terminal benefit of Provident Fund due and payable to the petitioner with interest at 12% per annum with effect from 31.08.2015 in view of the petitioner's representation dated 30.06.2016 within a stipulated time fixed by this Court.

2. The case of the petitioner is that he joined in the Tamil Nadu Government Transport Corporation as a Conductor on

01.04.1981 and thereafter, promoted as Transport Senior Conductor and retired from service on 31.08.2015. Since the terminal benefits have not been settled, the petitioner filed W.P.No.24520 of 2016 before this Court wherein on 15.07.2016 by a Common Order, this Court directed the respondent therein to disburse the terminal benefits by instalments commencing from 01.11.2016. Now, the grievance of the petitioner is that in the said order, there is no specific direction relating to the Provident Fund. Therefore, though a representation dated 30.06.2016 has been given to the 1st respondent in this regard, the Provident fund has not been settled. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

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

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 respondents are directed to disburse the Provident Fund due and payable 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 II)

//True Copy//

Sub Assistant Registrar

tsi

To

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

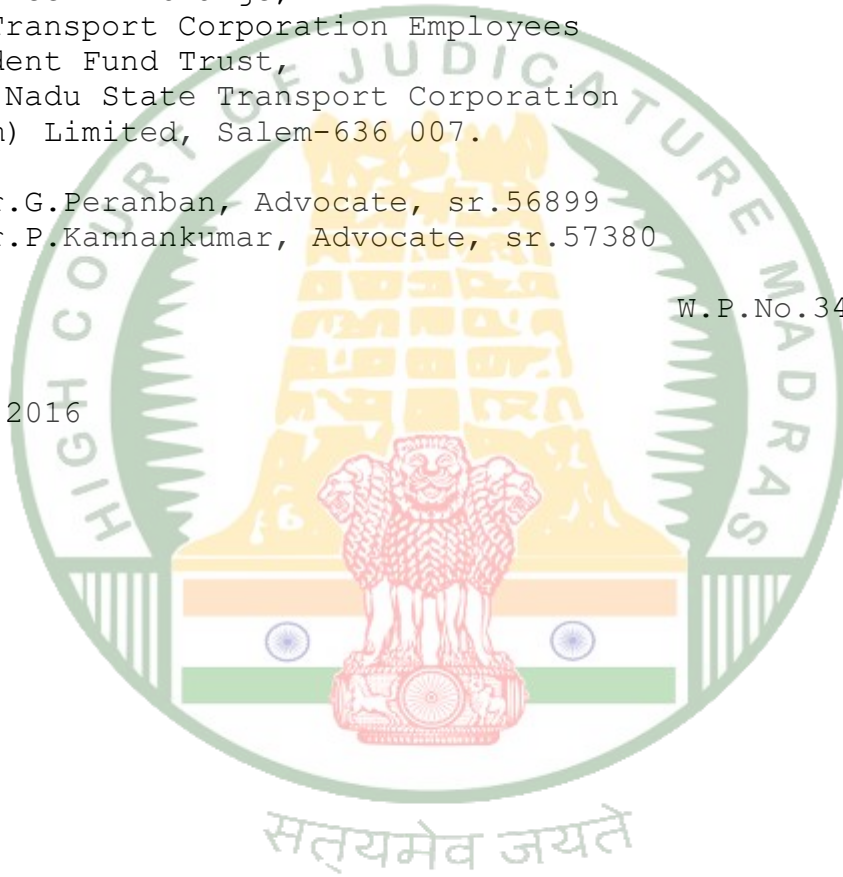
2. The Officer-in-Charge,
Anna Transport Corporation Employees
Provident Fund Trust,
Tamil Nadu State Transport Corporation
(Salem) Limited, Salem-636 007.

1 cc to Mr.G.Peranban, Advocate, sr.56899

1 cc to Mr.P.Kannankumar, Advocate, sr.57380

W.P.No.34833 of 2016

trm co
kra 07.10.2016



WEB COPY