

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.10.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.34902 of 2016

A.Shaik Imam

... Petitioner

vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Salem) Limited,
12, Ramakrishna 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,
Thruvallurvar House, Pallavan Salai,
Chennai - 600 002.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits, including Provident Fund, Gratuity, Commutation, EL Surrender, ML Surrender, IRT amount and Pension arrears 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., 31.03.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.P.Paramasivadosh,

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 Provident Fund, Gratuity, Commutation, EL Surrender, ML Surrender, IRT amount and Pension arrears 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., 31.03.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

3. It is the case of the petitioner that he joined in the respondent corporation on 17.12.1984 and retired from service on 31.03.2016 as Selection Grade Conductor. The petitioner was not paid the retirement benefits like Gratuity, IRT share, Leave Surrender and Earned Leave. Hence, the petitioner made a representation dated 15.06.2016 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 respondent.

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 respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly installments, 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 installment shall commence from 01.01.2017.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Salem) Limited,
12, Ramakrishna 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,
Thruvallurvar House, Pallavan Salai,
Chennai - 600 002.

+1 cc to M/s.P.Paramasiva Doss, Advocate sr 56907
+1 cc to M/s.M.Selvam Advocate sr 56643

सत्यमेव जयते

W.P.No.34902 of 2016

sm(co)
aa09/11/2016

WEB COPY