

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35074 of 2016

J.Gopalakrishnan

... Petitioner

vs.

M/s.State Express Transport Corporation Ltd.,
Rep.by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002.

... 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 petitioner's terminal benefits of Gratuity amount of Rs.8,00,000/-, Surrender of earned leave 240 days and Medical Leave 2 days amount of Rs.3,38,800/-, Social Security Scheme amount of Rs.30,000/-, Erode Engineering College, Perundurai Medical College and Polytechnic refund amount of Rs.4,500/- and difference in D.A. Calculation of pension amount of Rs.5,000/- altogether a sum of Rs.11,78,300/- with interest at the rate of 6% per annum taking into consideration of petitioner's representation dated 02.09.2016.

For Petitioner : Mr.D.Soundarraaj

For Respondent : Mr.P.Kannan Kumar

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The Writ petition has been filed, to direct the respondent to settle the petitioner's terminal benefits of Gratuity amount of Rs.8,00,000/-, Surrender of earned leave 240 days and Medical Leave 2 days amount of Rs.3,38,800/-, Social Security Scheme amount of Rs.30,000/-, Erode Engineering College, Perundurai Medical College and Polytechnic refund amount of Rs.4,500/- and difference in D.A. Calculation of pension amount of Rs.5,000/- altogether a sum of Rs.11,78,300/- with interest at the rate of 6% per annum taking into consideration of petitioner's representation dated 02.09.2016.

3. It is the case of the petitioner that he joined in the respondent corporation on 05.02.1988 as Security Guard. He retired from service as a Security Guard on attaining superannuation on 31.05.2016. On the date of his retirement, the respondent has paid provident fund only and the other terminal benefits such as Gratuity amount of Rs.8,00,000/-, Surrender of earned leave 240 days and Medical Leave 2 days amount of Rs.3,38,800/-, Social Security Scheme amount of Rs.30,000/-, Erode Engineering College, Perundurai Medical College and Polytechnic refund amount of Rs.4,500/- and difference in D.A. Calculation of pension amount of Rs.5,000/- altogether a sum of Rs.11,78,300/- with interest at the rate of 6% per annum were not settled to him. In this regard, he made a representation dated 02.09.2016 to the respondent requesting him 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 has taken notice on behalf of 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 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 01.01.2017.

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

tsi

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

Managing Director,
M/s.State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.

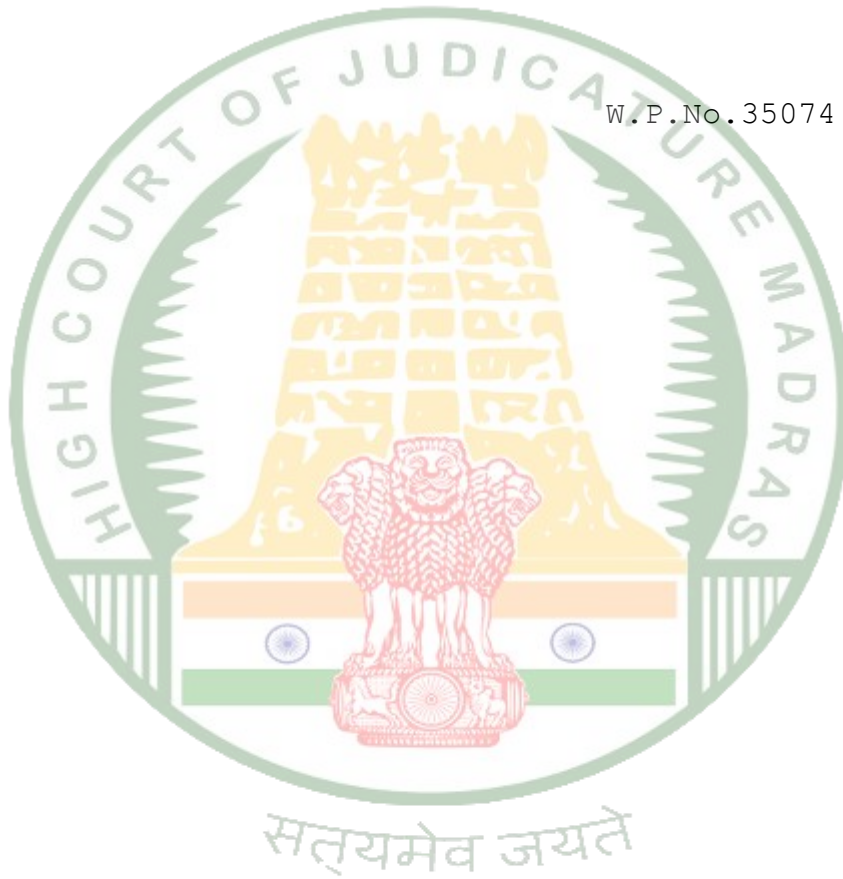
+1 CC Mr.D.Soundarraaj Advocate SR.No.57028

+1 CC Mr.P.Kannan Kumar Advocate SR.No.57382

W.P.No.35074 of 2016

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MSI 12/11/2016



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