

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.35607 of 2016

M.Sekar

... Petitioner

vs.

1. The Government of Tamil Nadu
Rep. by the Secretary,
Transport Department,
Secretariat,
St. George Fort, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer :- 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 Gratuity, M.L., Credit, ERBS Pension arrears, Pension DA Arrears, IRT Medical College Fund, EL surrender Leave salary, Interest for belated settlement of commutation and gratuity, provident fund, Labour welfare fund and Earned Leave and in other benefits etc., 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., 30.06.2012 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.Paramasivados

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioner, with interest, within the time that may be stipulated by this Court.

3. The petitioner is the retired employee of the respondents Corporation and he was not paid the retirement benefits due to him, fully. Hence, the petitioner made representation to the respondent requesting to pay all the retirement benefits. But, the same has not been 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 take notice for the respondents.

5. The issue involved in the present writ petitions 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 2 to 4 are 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.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

mrp

To

1. The Secretary
The Government of Tamil Nadu
Transport Department,
Secretariat,
St. George Fort, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
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Employees Post Retirement Welfare Fund Scheme,
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+1 cc to M/s.M.Selvam Advocate sr 57621
+1 cc to M/s.P.Paramasivadoss Advocate sr 58442
+1 cc to the Government Pleader sr 37828

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mp(co)
aa15/11/2016