

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35872 of 2016

K.Pachiappan

... Petitioner

Vs.

- 1 The Secretary to Government of Tamilnadu,
Transport Department,
The Secretariat,
Fort St. George,
Chennai – 600 009.
 - 2 The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007.
 - 3 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 636 705.
 - 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to

For Petitioner : Mr.S.Sathiaseelan
For Respondents : Mr.K.Dhananjayan for R1
Special Government Pleader
Mr.P.Paramasivadosh for R2 to R4

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 2 and 3 to settle the petitioner's retirement/terminal benefits namely, the Gratuity, Earned Leave Surrender amount for 125 days, ERBS amount and D.A. arrears amount as per the fixation made by the Government of Tamil Nadu from time to time with all other attendant benefits for which the petitioner is entitled with 12% interest per annum from the date all other retirement and

consequently directing the respondents 2 and 3 to pay 18% interest per annum for the belated settlement of above benefits to the petitioner i.e. from 30.04.2013 to till the date of actual payment, with breakup figure statement for arriving above retirement benefit under each heading 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 12.07.1985 and retired from service on 30.04.2013 as Selection Grade Senior Driver. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave Surrender amount for 125 days, ERBS amount and D.A. arrears. Hence, the petitioner made representation dated 08.09.2016 to the respondents 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, learned Special Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 to 4.

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.

07.10.2016

pri
Index: Yes/ No
Internet: Yes/ No

To

- 1 The Secretary to Government of Tamilnadu,
Transport Department,
The Secretariat,
Fort St. George,
Chennai – 600 009.
- 2 The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007.
- 3 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 636 705.
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

R.SUBBIAH,J.
pri

W.P.No.35872 of 2016

07.10.2016