

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35975 of 2016

M.Somasundaramurthy

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep.by its Managing Director,
3/137, Salamedu, Valudareddy Post,
Villupuram-605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore Region,
Tirupathur, Vellore District.

3. Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Rep.by its Administrator,
Thiruvalluvar Illam,
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 pay and settle all the retirement benefits due to the petitioner including gratuity, leave salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 18% per annum from the date when the payment became due till date of payment to the petitioner, within a specified time limit as may be fixed by this Court.

For Petitioner : Mr.S.Parvadharaj Arumugam

For Respondents : Mr.P.Kannankumar

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pay and settle all the retirement benefits due to the petitioner including gratuity, leave salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 18% per annum from the date when the payment became due till date of payment to the petitioner, within a specified time limit as may be fixed by this Court.

3. The petitioner joined as Tradesman on 25.04.1988 and retired from service on 31.05.2016 on reaching the age of superannuation. The grievance of the petitioner is that though he retired from service long before, till date, he was not paid with the terminal benefits except the provident fund amount. In this regard, the petitioner submitted several representations before the respondents. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

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

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 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137, Salamedu,
Valudareddy Post,
Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore Region,
Tirupathur,
Vellore District.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.S.Parvadharaj Arumugam, Advocate, S.R.No.58374

+2cc's to Mr.P.Kannankumar, Advocate, S.R.No.59177

W.P.No.35975 of 2016

LRS (CO)
CA(18/11/2016)