

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35984 of 2016

K.Elumalai

... Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
 - 2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar 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 Gratuity, Commutation, Pension arrears, Settlement arrears and RBS amount 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., 31.03.2015 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.S.Sairmanan

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 settle the petitioner's retirement benefits including Gratuity, Commutation, Pension arrears, Settlement arrears and RBS amount 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., 31.03.2015 till date of actual payment to the petitioner within the time that may be stipulated by this Court.

3. The petitioner joined the service of the Thanthai Periyar Transport Corporation Limited, Villupuram at Kallakurichi Depot as Driver on 17.09.1988 and retired from service on 31.03.2015 as Special Grade Driver in the Second Respondent Corporation. 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 a representation dated 30.06.2016 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/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
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Villupuram - 605 602.
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Corporation (Villupuram) Limited,
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Employees Post Retirement Welfare Fund Scheme,
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Chennai - 600 002.

1 cc to Mr.S. Sairama, Advocate, sr., 58586
1 cc to Mr.M. Selvam, Advocate sr. 35984

W.P.No.35984 of 2016

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