

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.36058 of 2016

R.Janarthanan

... Petitioner

vs.

1. The Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai-600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
 3. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant the petitioner all the retirement benefits in respect of the services rendered by him till the date of superannuation on 30.06.2014 including pension arrears, Gratuity, D.A. arrears, ERPS Arrears, Commutation Balance Amount (Earned Leave & Sick Leave), Provident Fund benefits and all other benefits, together with interest at the rate of 18% p.a. on the belated payment till realisation.

For Petitioner : Mr.K.Balasubramaniam

For 1st Respondent: Mr.K.Dhananjayan,
Special Government Pleader

For Respondents 2&3: Mr.P.Paramasivadosh

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 grant the petitioner all the retirement benefits in respect of the services rendered by him till the date of superannuation on 30.06.2014 including pension arrears, Gratuity, D.A. arrears, ERPS Arrears, Commutation Balance Amount (Earned Leave & Sick Leave), Provident Fund benefits and all other benefits, together with interest at the rate of 18% p.a. on the belated payment till realisation.

3. The petitioner joined as driver on 30.01.1985 in the respondent Transport Corporation and he retired from service on 30.06.2014 on attaining 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 retirement terminal benefits. In this regard, the petitioner submitted a representation dated 21.02.2015 before the 2nd respondent. Thereafter, as per the direction of the Assistant Director by his letter dated 13.03.2015 the petitioner was asked to pay a sum equal to Rs.79,200/- as per service rules for the punishment which he had undergone during his service period. Since that amount was not paid by the petitioner, he made a representation to the Tamil Nadu State Legal Services Authority, High Court, Chennai and as per its direction, a sum of Rs.79,200/- was deducted from the petitioner's retirement benefits. Thereafter also, he has not been paid any of the terminal benefits except the pension. In this regard, the petitioner made several representation to the 2nd respondent. 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(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Transport Department,
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(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.

+1cc to Mr.K. Balasubramaniam, Advocate, S.R.No.58471
+1cc to the Government Pleader, S.R.No.58610

KGK(CO)
EU(22/11/2016)

W.P.No.36058 of 2016

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