

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36427 of 2016

P.Venkateshwara Rao, Staff No.A 13538 ... Petitioner

Vs.

- 1 The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai – 600 009.
- 2 The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.
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 respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.4,65,000/- (Rupees Four Lakhs Sixty Five Thousand Only) with 18% interest on delayed payment to the petitioner the Superintendent Staff No.A13538 who has retired from service on 31.08.2013.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.K.Dhananjayan for R1
Special Government Pleader
Mr.P.Kannan Kumar for R2

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the second respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.4,65,000/- (Rupees Four Lakhs Sixty Five Thousand Only) with 18% interest on delayed payment to the petitioner the Superintendent Staff No.A13538 who has retired from service on 31.08.2013.

3.It is the case of the petitioner that he joined in the Pallavan Transport Corporation which after amalgamation with Ambethkar Transport Corporation Limited was renamed as Metropolitan Transport Corporation on 06.11.1978 and retired from service on 31.08.2013 as Superintendent. The petitioner was not paid the retirement benefits like Earned Leave Surrender Salary. 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,

the learned Special Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the second respondent.

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.

R.SUBBIAH,J.

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7.With the above direction, the present writ petition is disposed
of. No costs.

18.10.2016

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Index: Yes/ No

Internet: Yes/ No

To

- 1 The Principal Secretary to Government,
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Fort St.George, Chennai – 600 009.
- 2 The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.
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