

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.36498 of 2016

M.Mohamed Ali

... Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd respondent to disburse the retirement benefits of Gratuity of Rs.6,51,894/-, Earned Leave Surrender Salary of Rs.3,15,000/-, Provident Fund Contribution amount Rs.4,36,062/- and settlement Arrears amount of Rs.10,000/-, totally comes to Rs.14,12,956/- (Rupees fourteen lakhs twelve thousand nine hundred and fifty six only) with 18% interest on delayed payment to the petitioner Staff No.J05453 who has retired from service on 30.06.2016 as Selection grade Conductor in the second respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.R.Venkatesh
Government Advocate - R1

Mr.P.Kannan Kumar - R2

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioner, with interest, within the time that may be stipulated by this Court.

3. The petitioner is the retired employee of the respondents Corporation and he was not paid the retirement benefits due to him, fully. Hence, the petitioner made representation to the respondent requesting to pay all the retirement benefits. But, the same has not been 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 and the learned counsel who take notice for the respondents.

5. The issue involved in the present writ petitions 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 second 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mrp

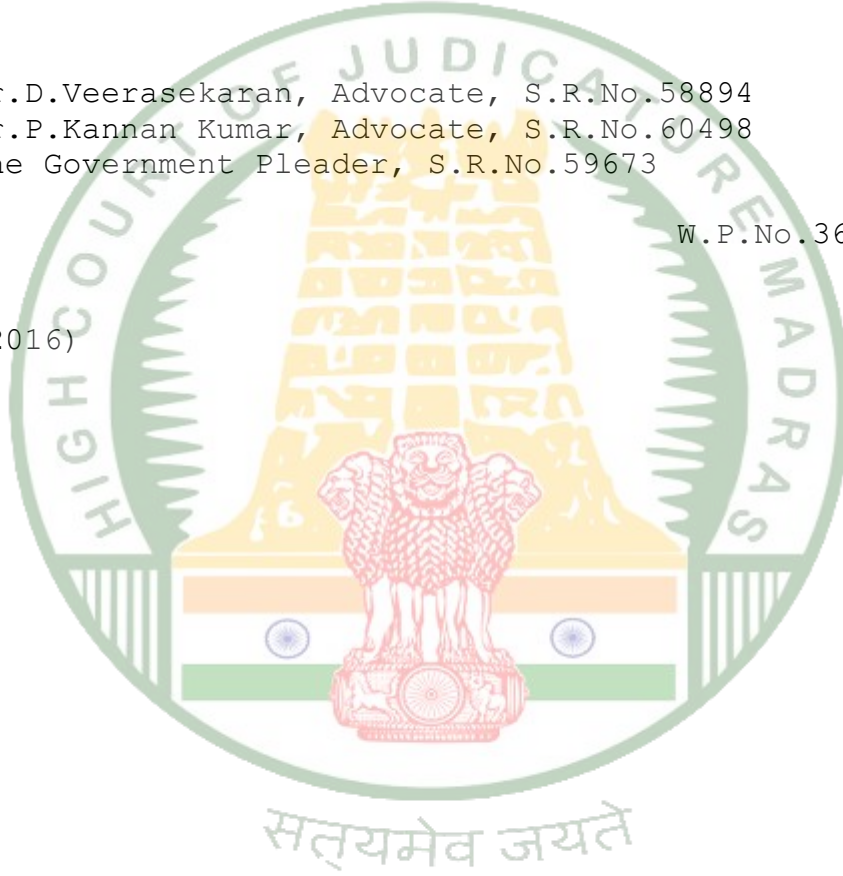
To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.58894
+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.60498
+1cc to the Government Pleader, S.R.No.59673

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SSI (CO)
CA(21/11/2016)



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