

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.36591 of 2016

S.Kannan
Stff No.C10496

... Petitioner

vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.
 2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Salai,
Chennai - 600 002.
 3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar - House, Pallavan Salai,
Chennai - 600 002.
- Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 2 and 3 to disburse the petitioner's retirement benefits viz., Earned Leave Surrender Salary amount of Rs.2,36,700/-, Pension Commutation amount of Rs.3,22,950/-, Pension arrears amount of Rs.30,872/-, IRT Contribution Amount of Rs.4600/-, DA arrears amount of Rs.10,934/- and Gratuity Difference Amount of Rs.73,498/-, the total comes to Rs.6,79,554/- (Rupees six lakhs seventy nine thousand five hundred and fifty four only) with 18% interest on delayed payment to the petitioner Traffic Inspector Staff No.C10496 who has retired from service on 30.11.2013.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.K. Dhananjeyan
Spl. Government Pleader - R1

Mr.P.Kannan Kumar - R2 & R3

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 and third 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 III)

//True Copy//

Sub Assistant Registrar

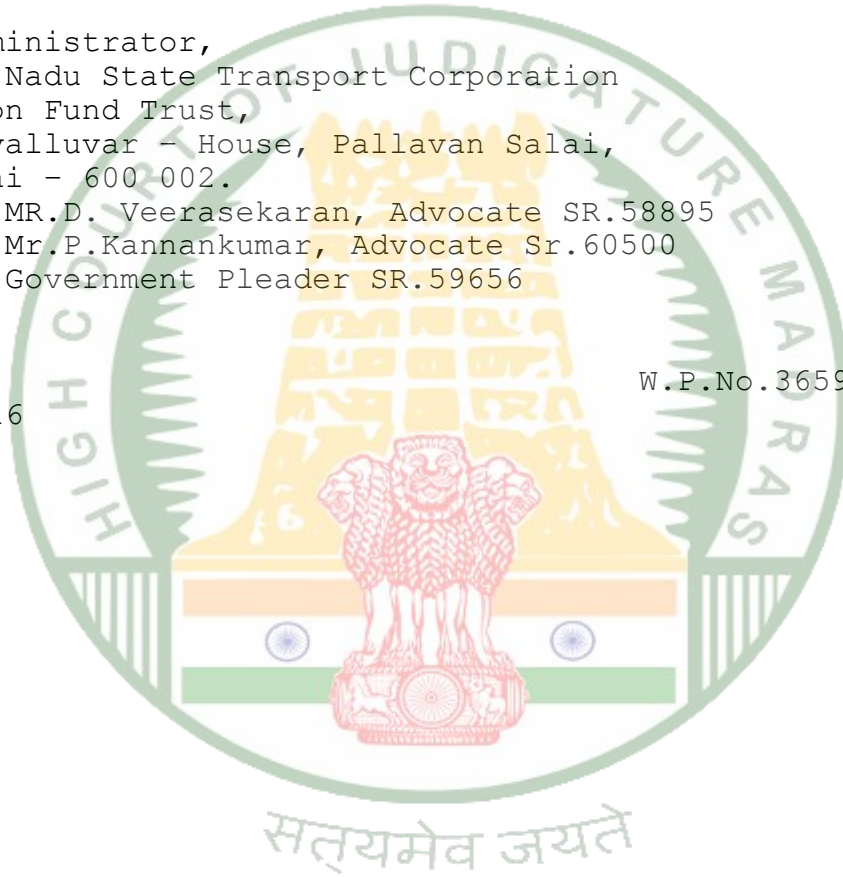
mrp

To

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Thiruvalluvar - House, Pallavan Salai,
Chennai - 600 002.
- + 1 cc to MR.D. Veerasekaran, Advocate SR.58895
+ 1 cc to Mr.P.Kannankumar, Advocate Sr.60500
+ 1 cc to Government Pleader SR.59656

EU 17.11.16

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