

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36697 of 2016

R.Sugumaran

... Petitioner

Vs.

The Managing Director
Tamilnadu State Transport Corporation (Salem) Limited,
Ramakrishna Road,
Salem – 636 007.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to furnish the earned leave encashment and ERBS fund within a stipulated period of time as fixed by this Honourable Court.

For Petitioner : Mr.R.Ezhilarasan
For Respondent : Mr.P.Paramasivados

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondent to furnish the earned leave encashment and

ERBS fund within a stipulated period of time as fixed by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 12.01.1980 and retired from service on 31.05.2012 as Senior Driver. The petitioner was not paid the retirement benefits like Earned Leave Encashment and ERBS fund. Hence, the petitioner made representation dated 14.09.2016 to the respondent requesting to pay all the retirement benefits. But, the same was not 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 takes notice for the 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.

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

20.10.2016

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Index: Yes/ No
Internet: Yes/ No

To

The Managing Director
Tamilnadu State Transport Corporation (Salem) Limited,
Ramakrishna Road,
Salem – 636 007.

R.SUBBIAH,J.
pri

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