

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37165 of 2016

M.Mohan

... Petitioner

Vs

- 1.The Secretary to Government of Tamilnadu
Transport Department,
The Secretariat,
Fort St.George,
Chennai-600 009
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem-636 007
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri-636 705
- 4.The administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Tiruvallurvar House,
Pallavan Salai,
Chennai-600 002

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd and 3rd respondents to settle the petitioner's retirement/terminal benefits, namely, Gratuity; 1/3rd Commutation Fund; Leave Surrender amount; Labour contribution Fund; 07 days salary for the period 25.01.2016 to 31.01.2016 and Provident Fund and all other attendant retirement benefits for which the petitioner is entitled with 12% interest per annum

from the date of retirement and consequently directing the 2nd and 3rd respondents to pay 18% interest per annum for the belated settlement of above benefits to the petitioner, i.e. from 31.01.2016 to till date of actual payment, with breakup figure statement for arriving above retirement benefit under each hearing within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Sathiaseelan
For Respondents : Mr.K.Dhananjayan, Spl.G.P.for R1
Mr.P.Paramasivados for R2 to R4

ORDER

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

2. The petitioner joined the services of the Transport Corporation and he retired from service long before. The grievance of the petitioner is that though he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner, learned Special Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 to 4.

4. 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).

5. 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 1.1.2017.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government of Tamilnadu
Transport Department,
The Secretariat,
Fort St.George,
Chennai-600 009
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem-636 007
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri-636 705
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Tiruvallurvar House,
Pallavan Salai,
Chennai-600 002

+1cc to Mr.S. Sathaseelan, Advocate, S.R.No.60327
+1cc to the Government Pleader, S.R.No.60982

eu(CO)
md(21/11/2016)

W.P.No.37165 of 2016