

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37171 of 2016

R.Thangamani

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,11,995/- + Provident fund sum of Rs.3,15,400/- + Security social fund sum of Rs.48,000/- + Medical fund sum of Rs.48,000/- + CH pay sum of Rs.3,06,240/- + Earned Leave Rs.2,72,476/- + medical leave sum of Rs.50,023/- = Total sum of Rs.11,97,894/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of death i.e. 24.09.2015 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 25.09.2015 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.Y.George Williams

For Respondent : Mr.S.Sairaman

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to settle the entire retirement benefits i.e. Gratuity amount of Rs.5,11,995/- + Provident fund sum of Rs.3,15,400/- + Security social fund sum of Rs.48,000/- + Medical fund sum of Rs.48,000/-

+ CH pay sum of Rs.3,06,240/- + Earned Leave Rs.2,72,476/- + medical leave sum of Rs.50,023/- = Total sum of Rs.11,97,894/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of death i.e. 24.09.2015 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 25.09.2015 to till the date of disbursement of the terminal benefits to the petitioner.

3. It is the case of the petitioner that her husband joined the services of the Transport Corporation. After completing 26 years of service, he died on 24.9.2015, while in service. The grievance of the petitioner is that after the death of her husband, the respondent corporation has not disbursed the terminal benefits and other benefits to her. In this regard, the petitioner submitted representation before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of 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. In view of the same, the petitioner is directed to submit a copy of the representation dated 19.9.2016 to the respondent along with a copy of this order seeking retirement benefits, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass / take appropriate orders / action to disburse the aforementioned retiral benefits to the petitioner herein, 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, within a period of four weeks thereafter.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

To

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043

+1cc to Mr.R.Y. George Williams, Advocate, S.R.No.60383
+ 1 cc to Mr.S. Sairaman, Advocate SR.61521

EV(CO)
EU(28/11/2016)

W.P.No.37171 of 2016

सत्यमेव जयते
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