

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37771 of 2016

T.Manoharan

... 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) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to disburse the retirement benefits of Gratuity of Rs.4,75,000/-, Earned Leave Surrender Salary of Rs.66,000/-, Earned Leave Surrender Salary arrears amount Rs.30,000/- totally comes to Rs.5,71,000/- (Rupees Five Lakhs Seventy One Thousand Only) with 18% interest on delayed payment to the petitioner Staff No.10535 who has retired from service on 31.05.2014 as Selection Grade Driver in the second respondent's office.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.S.N.Parthasarathi for R1
Government Advocate
Mr.S.Sairaman for R2

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 second respondent to disburse the retirement benefits of Gratuity of Rs.4,75,000/-, Earned Leave Surrender Salary of Rs.66,000/-, Earned Leave Surrender Salary arrears amount Rs.30,000/- totally comes to Rs.5,71,000/- (Rupees Five Lakhs Seventy One Thousand Only) with 18% interest on delayed payment to the petitioner Staff No.10535 who has retired from service on 31.05.2014 as Selection Grade Driver in the second respondent's office.

3.It is the case of the petitioner that he joined in the Cheran Transport Corporation Limited which after amalgamation with Jeeva Transport Corporation was renamed as Tamil Nadu State Transport Corporation (CBE) Limited and retired from service on 31.05.2014 as Selection Grade Driver. The petitioner was not paid the retirement benefits like Gratuity, Earned Leave Surrender Salary, Earned Leave

Surrender Salary Arrears. 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, the learned Government Advocate who takes notice for the first respondent and the learned counsel who takes notice for the second 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

R.SUBBIAH,J.

pri

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 01.02.2017.

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

01.11.2016

pri

Index: Yes/ No

Internet: Yes/ No

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) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

W.P.No.37771 of 2016

01.11.2016