

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39306 of 2016

B.Mahmoodjan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Limited,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely, Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML - 98), Settlement arrears, Pension DA Arrears, DA Arrears, Provident Fund Amount, Retirement Benefits Scheme, Pending in Service in Leave Salary (20 days) and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.07.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.K.Dhananjayan for R1
Special Government Pleader
Mr.S.Sairaman for R2 and R3

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 respondents to settle the retirement benefits payable to the petitioner namely, Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML - 98), Settlement arrears, Pension DA Arrears, Provident Fund Amount, Retirement Benefits Scheme, Pending in Service in Leave Salary (20 days) and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.07.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

3.It is the case of the petitioner that he joined in the erstwhile Cheran Transport Corporation on 11.11.1986 and retired from service on 31.07.2016 as Special Grade Driver. The petitioner was not paid the retirement benefits like Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML - 98), Settlement arrears, Pension DA Arrears, Provident Fund Amount, Retirement Benefits Scheme, Pending in Service in Leave Salary (20 days) etc. Hence, the petitioner made a representation dated 07.09.2016 to the respondents 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, the learned Special Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

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 01.02.2017.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Limited,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.64470
+1cc to the Government Pleader, S.R.No.64936

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SSK(CO)
CA(09/12/2016)

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