

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39650 of 2016

R.Sivasamy (P.R.No.12332)

... Petitioner

Vs.

1 The Management
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. by its Managing Director
No.37, Mettupalayam Road,
Coimbatore.

2 The General Manager
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.3,50,000/- towards gratuity and a sum of Rs.1,73,678/- towards earned leave and all other retirement benefits within the time stipulated by this Honourable Court.

For Petitioner : Mr.V.Sivakumar

For Respondents : Mr.P.Kannan Kumar

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 pay the petitioner a sum of Rs.3,50,000/- towards gratuity and a sum of Rs.1,73,678/- towards earned leave and all other retirement benefits within the time stipulated by this Court.

3.It is the case of the petitioner that he joined in the respondent Corporation on 23.11.1985 and retired from service on 30.09.2012 as Selection Grade Senior Assistant. The petitioner was not paid the retirement benefits like Gratuity and Earned Leave Surrender. The petitioner made representation dated 02.11.2016 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 and the learned counsel who take notice for the respondents.

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(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Management
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. by its Managing Director
No.37, Mettupalayam Road,
Coimbatore.
- 2 The General Manager
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

+1cc to Mr.R. Sivakumar, Advocate, S.R.No.65412

sm (CO)

md (21/11/2016)

W.P.No.39650 of 2016



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