

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40870 of 2016

R.S.Girija Bai, Staff No.A13544

... Petitioner

Vs.

- 1 The Principal Secretary to Government
Transport Department,
Fort St.George,
Chennai - 600 009.
- 2 The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.
Pallavan Salai,
Chennai - 600 002.
- 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 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.2,43,570/- 1998 Settlement Leave Benefit Amount of Rs.15,700/- Pension Commutation Amount of Rs.3,21,195/- and Leave on private affairs Amount of Rs.60,890/- and IRT Contribution Amount of Rs.4,360/- the total comes to Rs.6,45,715/- (Rupees Six Lakhs Forty Five Thousand Seven Hundred and Fifteen only) with 18% interest on delayed payment to the petitioner the Superintendent who has retired from service on 31.05.2014.

For Petitioner
For Respondents

: Mr.D.Veerasekaran
: Mr.S.N.Parthasarathi for R1
Government Advocate
Mr.R.K.Gandhi 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 2nd & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.2,43,570/- 1998 Settlement Leave Benefit Amount of Rs.15,700/- Pension Commutation Amount of Rs.3,21,195/- and Leave on private affairs Amount of Rs.60,890/- and IRT Contribution Amount of Rs.4,360/- the total comes to Rs.6,45,715/- (Rupees Six Lakhs Forty Five Thousand Seven Hundred and Fifteen only) with 18% interest on delayed payment to the petitioner the Superintendent who has retired from service on 31.05.2014.

3.It is the case of the petitioner that he joined in the Pallavan Transport Corporation which after amalgamation with Ambethkar Transport Corporation Limited was renamed as Metropolitan Transport Corporation (Chennai) Limited and retired from service on 31.05.2014 as Superintendent. The petitioner was not paid the retirement benefits like Earned Leave Surrender Salary, 1998 Settlement Leave Benefit, Pension Commutation, Leave on private affairs Amount and IRT Contribution Amount. 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 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

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary to Government
Transport Department,
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Chennai - 600 009.
- 2 The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.
Pallavan Salai,
Chennai - 600 002.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.D. Veerasekaan, Advocate, S.R.No.67681

ss(CO)
md(22/12/2016)

सत्यमेव जयते

W.P.No.40870 of 2016

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