

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40879 of 2016

K.Durai

... Petitioner

Vs.

1. The State of Tamilnadu
rep. by its Principal Secretary
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Managing Director
State Express Transport Corpn. (TN) Ltd.
Chennai - 600 002.

... 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 with interest as described in the petitioners representation dated 24.10.2016.

For Petitioner : Mr.A.Murugan

For Respondents : Mr.S.N.Parthasarathi for R1
Government Advocate
Mr.P.Kannan Kumar 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 with interest as described in the petitioners representation dated 24.10.2016.

3.It is the case of the petitioner that he joined in the second respondent Corporation on 20.05.1995 and retired from service on 30.04.2011 as SG.SR.Conductor. The petitioner was not paid the retirement benefits like leave salary, provident fund, gratuity penal interest, computation and interest and social security scheme. 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 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 V)

//True Copy//

Sub Assistant Registrar

pri
To

1. The Principal Secretary
State of Tamilnadu
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director
State Express Transport Corpn. (TN) Ltd.
Chennai - 600 002.

+1cc to Mr.A.Murugan, Advocate, S.R.No.67795

W.P.No.40879 of 2016

SS(CO)
CA(23/12/2016)