

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40925 of 2016

V.Sivaji

... 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.
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 of Gratuity of Rs.4,35,000/-, Social Security Scheme Fund of Rs.42,000/-, Pension Commutation amount of Rs 2,40,000/-, Provident Fund Contribution Amount Rs.1,85,000/- totally comes to Rs.9,02,000/- (Rupees Nine Lakhs and Two Thousand Only) with 18% interest on delayed payment to the petitioner Staff No. 90CR1016796 who has voluntarily retired from service on 31.01.2015 as Special Grade Conductor in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.O.Selvam for R1
Government Advocate

Mr.P.Kannan Kumar 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 of Gratuity of Rs.4,35,000/-, Social Security Scheme Fund of Rs.42,000/- Pension Commutation amount of Rs 2,40,000/-, Provident Fund Contribution Amount Rs.1,85,000/- totally comes to Rs.9,02,000/- (Rupees Nine Lakhs and Two Thousand Only) with 18% interest on delayed payment to the petitioner Staff No.90CR1016796 who has voluntarily retired from service on 31.01.2015 as Special Grade Conductor in the 2nd respondent's office.

3.It is the case of the petitioner that he joined in the Jeeva Transport Corporation which after amalgamation with Cheran Transport Corporation Limited was renamed as Tamil Nadu State Transport Corporation (CBE) Limited and retired from service under the Voluntary Retirement Scheme on 31.01.2015 as Special Grade Conductor. The petitioner was not paid the retirement benefits like Gratuity, Social Security Scheme Fund, Pension Commutation and Provident Fund Contribution Amount. 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 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 installment shall commence from 01.02.2017.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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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.
3. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.67680
+2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.69283
+1cc to the Government Pleader, S.R.No.68083

सत्यमेव जयते

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

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