

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41762 of 2016

A.Swamy

... Petitioner

vs.

- 1 The Government of Tamil Nadu
Rep by the Secretary transport Department
Secretariat St. George Fort Chennai 9
- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited Tirunelveli
- 3 The General Manager
Tamil Nadu State transport Corporation
(Tirunelveli) Limited Nagarcoil Region
Nagercoil
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 2

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity Leave Surrender (Earned Leave & Medical Leave) DA arrears Settlement arrears Provident Fund and Commutation with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.1.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner :Mr.T.Senthil Velmurugan
For Respondents :Mr.O.Selvam,
Govt. Advocate, for R1
Mr.S.Sairaman,
for R2 to R4

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner joined the services of the Transport Corporation and he retired from service long before. The grievance of the petitioner is that though he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner, learned Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 to 4.

4. 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).

5. Following the said judgment, without going into the merits of the matter, the respondents are 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 1.2.2017.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Government of Tamil Nadu
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Secretariat St. George Fort Chennai 9
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Tamil Nadu State Transport Corporation
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Scheme Thiruvalluvar House Pallavan Salai
Chennai 2

+1cc to Mr.M.Selvam, Advocate sr.70181
+1cc to the Government Pleader Sr.70504

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W.P.No.41762 of 2016

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srg 15/12/2016