

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.41963 of 2016

E.Khajamohideen

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram - 605 602.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's terminal benefits, namely, Gratuity, Difference in Encashment of leave salary, DA arrears and other eligible terminal benefits having duly taking into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 31.03.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : M/s.Vijaya and Anandh
For R-1 : Mr.O.Selvam,
Government Advocate
For R2 : Mr.S.Sairaman

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 settle the petitioner's terminal benefits, namely, Gratuity, Difference in Encashment of leave salary, DA arrears and other eligible terminal benefits having duly taking into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 31.03.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

3.It is the case of the petitioner that he joined in the respondent Corporation on 21.04.1982 and retired from service on 31.03.2013 as Senior Tradesman. The petitioner was not paid the retirement benefits like gratuity, DA arrears, difference amount in encashment of leave salary. Hence, the petitioner made a representation dated 20.10.2016 to the second respondent requesting to pay all the retirement benefits. But, the same was not 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 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 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 Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram - 605 602.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.71520
+1cc to Mr.M.Vijaya, Advocate, S.R.No.70657
+1cc to the Government Pleader, S.R.No.70977

SSI (CO)
BB(29/12/2016)

W.P.No.41963 of 2016

सत्यमेव जयते

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