

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4739 of 2016

A.Govindan

.. Petitioner

-Vs-

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited, 12 Ramakrishna Road
Salem-636 007

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondent to pay the entire retirement benefits such as Gratuity, Leave Surrender Pay, Provident Fund (Management Share), IRT Share etc., with interest at 18% per annum from the date of retirement till the date of payment to the petitioner herein.

For petitioner : Mr.S.Balaji

For respondent : Mr.Paramasivadoss

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2. The case of the petitioner is that he joined the services of the respondent Corporation as a Driver on 22.02.1986 and retired from service on 28.02.2013 on attaining the age of superannuation. While on the event of retirement, he was paid with Provident Fund amount of Rs.1,69,124/- and Family Welfare Fund of Rs.69,013/-, but was not paid with other retirement benefits such as Gratuity, Provident Fund (Management Share), Leave Surrender Pay, IRT share etc. The petitioner has submitted a representation dated 09.12.2015 to the respondent seeking the above retirement benefits.

3. Mr.P.Paramasivadoss, the learned counsel, who accepts notice on behalf of the respondent, on instructions, would submit that the respondent Corporation is experiencing some financial difficulties and the respondent Corporation is not in a position to pay the retirement benefits to the employees and would further add that the Madurai Bench of this Court, by a common judgment dated 12.06.2015 made in W.A.(MD).Nos.383 to 457 of 2015, has permitted the respondent Corporation to pay the retirement benefits in 12 equal monthly installments, therefore, based on this order, the case of the petitioner would be considered.

4. This Court, taking into consideration the above facts and circumstances, directs the respondent to consider the petitioner's representation dated 08.12.2015, on merits and in accordance with law, after taking note of the common judgment dated 12.06.2015 made in W.A.(MD).Nos.383 to 457 of 2015 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvsri

To

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited, 12 Ramakrishna Road
Salem-636 007

+1cc to Mr.P.Paramasivadoss, Advocate, S.R.No.8711
+1cc to Mr.S.Balaji, Advocate, S.R.No.8186

W.P.No.4739 of 2016

RSK(CO)
CA(14/03/2016)