

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4740 of 2016

S.Velvikavalaperumal

..Petitioner

-Vs-

1.The Secretary to Government
Transport Department
Fort St.George, Secretariat
Chennai-600 009

2.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vazhuthareddy
Villupuram-605 602

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvallurvar House
Pallavan Salai
Chennai-600 002

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Leave Salary, gratuity, commutation, surrender of leave on private affairs, Dearness allowance arrears and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits etc., to the petitioner payable from the date of retirement i.e., 30.04.2015 to till date of actual payment to the petitioner.

For petitioner : Mr.M.Selvam

For respondents: Mr.A.Kumar, Spl.G.P, for R1
Mr.S.Sairam for R2

O R D E R

Mr.S.Velvikavalaperumal, the petitioner, who joined the service in the Tamil Nadu State Transport Corporation Ltd., Villupuram, had retired from service on 30.04.2015 on attaining the age of superannuation. At the time of his retirement, he was serving as General Manager of the 2nd respondent Corporation and was drawing basic pay of Rs.36,290/- Grade Pay of Rs.7,600/- D.A., Rs.49,596/-, and totally Rs.95,746/-.

2. According to the petitioner, he was paid only Provident Fund and other retirement benefits, but the following terminal benefits have not been settled:-

(a) Gratuity	Rs.10,00,000
(b) Commutation	Rs. 9,00,000
(c) Leave surrender for 240 days	Rs.7,50,000
(d) E.L.Surrender (2014)	Rs. 50,000
(e) Surrender of leave on Private affairs	Rs.3,00,000
Total amount	Rs.30,00,000

3. The petitioner sent a representation dated 29.01.2016 to the respondents 1 and 2 seeking the above settlement of dues. However, according to the petitioner, the said representation is not disposed of till date and therefore, the petitioner is constrained to file this writ petition seeking for earlier disbursement of his terminal benefits.

4. Mr.S.Sairam, learned Standing Counsel for 2nd respondent, submits that a similar issue has already been considered by the Honourable First Bench of this Court in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2016. He also submitted that 4 weeks time may be granted to consider the petitioner's representation dated 29.01.2016 as regards the settlement of terminal benefits.

5. Considering the facts and circumstances of the case and the submission of the learned counsel for the 2nd respondent, the 2nd respondent is directed to consider the representation of the petitioner dated 29.01.2016 and settle the terminal benefits of the petitioner taking into consideration the order of the Honourable First Bench of this Court dated 12.06.2015 passed in W.A.(MD).Nos.383 to 457 of 2015 within a period of 4 weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nvsri

To

- 1.The Secretary to Government
Transport Department,
Fort St.George, Secretariat
Chennai-600 009
- 2.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Vazhuthareddy
Villupuram-605 602
- 3.The Administrator
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Employees Post Retirement Welfare Fund Scheme
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1 cc to Government Pleader, Sr. 8522
1 cc to Mr.S. Sairaman, Advocate Sr. 8279

+ 1 cc to Mr.M.Selvam, Advocate Sr. 8319 (13/6/16)

सत्यमेव जयते

W.P.No.4740 of 2016

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