

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5713 of 2016

P.Anbalagan

.. 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, Thiruvalluvar House
Pallavan Salai
Chennai 600 002.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, 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 including the commuted value of pension, social security scheme arrears, provident fund etc., to the petitioner payable from the date of retirement i.e., 30.04.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.Rajendra Prasad for R1
Mr.S.Sairaman for R2 and R3

O R D E R

The petitioner, P.Anbalagan, joined the service of Tamil Nadu State Transport Corporation Ltd., Villupuram, as Charge Man on 18.05.1979 and he retired from service on 30.04.2014. At the time of retirement, the petitioner was working as a Deputy Manager (Training) Corporate in Head Quarters, Villupuram.

2.The grievance of the petitioner is that on the date of retirement, he was paid provident fund for a sum of Rs.5,50,000/- only. The other retirement terminal benefits like Gratuity, commutation, leave surrender (earned leave) amount and previous year leave surrender amount for the period of April 2014 were not settled. Therefore, he submitted representations before the respondents on 16.12.2014 and 29.01.2016. However, till date, the same has not been considered. Hence, the present writ petition.

3.When the matter is taken up today for hearing, learned counsel appearing for the petitioner brought to the notice of this Court the common judgment dated 12.06.2015 passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 wherein under similar circumstances, the respondent-Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several writ petitions. Accordingly, he would pray that a similar order may be passed in this writ petition also.

4.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5.Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the respondents 1 and 2 are directed to consider and dispose of the representations submitted by the petitioner dated 16.12.2014 and 29.01.2016, on merits and in accordance with law, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.Accordingly, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

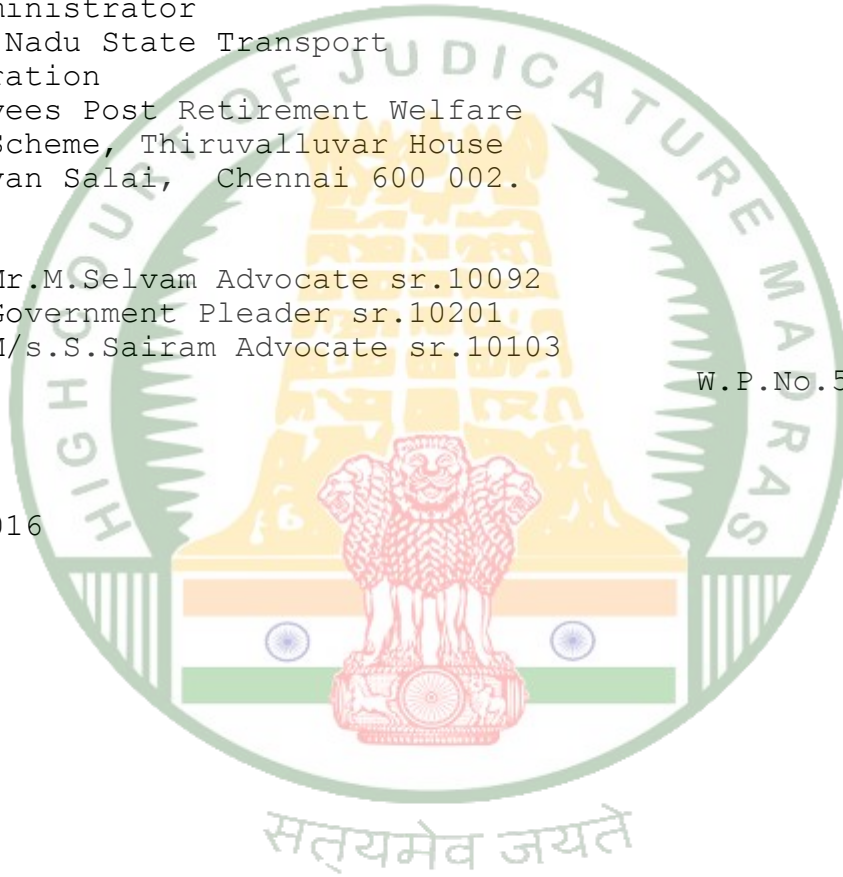
To

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+1 cc to Mr.M.Selvam Advocate sr.10092
+1 cc to Government Pleader sr.10201
+1 cc to M/s.S.Sairam Advocate sr.10103

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