

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9660 of 2016

S.Sundararajan
Deputy Manager (Retired) B-0114
No.131, NGGO Colony,
Salamedu,
Valudareddy Post,
Villupuram - 605 401.

..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
(Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.
- 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, 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., 31.05.2013 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.P.Chinnadurai,
Government Advocate [R1]
Mr.S.Sairam [R2 & R3]

O R D E R

Mr.S.Sundararajan, the petitioner, who joined the service in the Tamil Nadu State Transport Corporation Ltd., Villupuram, had retired from service on 31.05.2013 on attaining the age of superannuation. At the time of his retirement, he was serving as Deputy Manager of the second respondent Corporation and was drawing basic pay of Rs.30,290/- Grade Pay of Rs.6,600/- Dearness Allowance of Rs.26,561/-, House Rent Allowance of Rs.3,200/-, totally Rs.93,700/-.

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

(i)Gratuity	:	Rs.10,00,000/-
(ii)Leave surrender for 222 days	:	Rs. 5,17,719/-
(iii)Surrender of Leave on private affairs	:	Rs. 2,09,886/-
(iv)D.A. arrears in pension	:	Rs. 50,000/-
Total	:	Rs.17,77,605/-

3. The petitioner sent a representation dated 19.05.2015 to the respondents 2 and 3 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 respondents 2 and 3, 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 four weeks time may be granted to consider the petitioner's representation dated 19.05.2015 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 respondents 2 and 3, the second respondent is directed to consider the representation of the petitioner dated 19.05.2015 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 four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Transport Department,
Fort St.George, Secretariat
Chennai-600 009.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited No.37, Mettupalayam Road,
Coimbatore - 641 043.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House,
Pallavan Salai, Chennai-600 002.
- +1 cc to M/s.M.Selvam, Advocate, sr.16605
+1 cc to M/s.S.Sairaman, Advocate, sr.16874
+1 cc to The Government Pleader, sr.16984

W.P.No.9660 of 2016

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