

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 2012 of 2017

M. Muthusamy

Petitioner

vs.

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

2 The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.
Head Office No.37, Mettupalayam Road
Coimbatore 641 043

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to the encashment of unearned leave on private affairs and the difference in earned leave salary with interest of 18% from 31.10.2006, the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For petitioner Mr. V.S. Jagadeesan

For R1 Mr. T.M. Pappiah
Special Government Pleader

For R2 Mr. P. Kannan Kumar
Standing Counsel

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the first respondent. Mr. P. Kannan Kumar, learned Standing Counsel, accepts notice for the second respondent. With consent, this writ petition is taken up for final disposal.

2 The petitioner joined the erstwhile Cheran Transport Corporation Ltd., Coimbatore as Diploma Apprentice on 01.12.1973. After putting in 32 years of service, he retired as Selection Grade Assistant Manager on 31.10.2006 on attaining the age of superannuation. His grievance is that he has not been disbursed with the two terminal benefits, viz.,

Rs. 1,08,768/- towards encashment of unearned leave on private affairs for 90 days and Rs.36,631/- towards difference in earned leave salary. Seeking payment of the said benefits, he has addressed a representation dated 29.09.2016 to the respondents and since the same is still under consideration, the petitioner has preferred this writ petition seeking disposal of the same.

3 Since the issue involved in this writ petition has already been decided by a Division Bench of the Madurai Bench of Madras High Court in K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and 3 others [W.A.No.(MD)Nos.383 to 457 of 2015], the second respondent is directed to consider and pass orders on the petitioner's representation dated 29.09.2016, provided, the same is in order, in the light of the aforesaid judgment and disburse the two retirement benefits sought by the petitioner, provided, he has retired without any disciplinary proceedings pending against him, in 12 equal monthly instalments, with the first instalment commencing from the first week of June 2017.

With the above direction, this writ petition stands disposed of. Costs made easy.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

cad
To

- 1 The Principal Secretary
Transport Department
Government of Tamil Nadu
Secretariat
Fort St. George
Chennai 600 009
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.
Head Office No.37
Mettupalayam Road
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C.C. to Mr.P.Kannan Kumar Advocate SR.NO.21000

C.C. to Mr.V.S.JAGADEESAN Advocate SR.NO.20418

W.P. No.2012 of 2017

SKS (CO)

VS 21-04-2017

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