

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.4333 of 2017

B.Ramasamy

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondent to settle the entire retirement benefits of the petitioner, i.e., gratuity amount of Rs.3,57,975/- + leave encashment and leave surrender sum of Rs.1,46,626/- + Medical Leave sum of Rs.61,056/- , totally, a sum of Rs.5,65,657/- + arrears of amount, as per 12 (3) settlement with effect from 01.09.2013, to till the date of retirement, i.e., 31.05.2016, and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.06.2015 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.S.A.Mahisha Krithika
For Respondents: Mr.P.Kannan Kumar
Standing Counsel

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. Mr.P.Kannan Kumar, learned Standing Counsel, accepts notice on behalf of respondent.

3. Petitioner joined the service of the respondent/Transport Corporation as Driver on 31.05.1987 and after putting in 26 years of services, retired on 30.06.2013. The grievance expressed by the petitioner is that, the retiral/terminal benefits, viz., gratuity, leave encashment & leave surrender, medical leave and arrears of amounts as per 12 (3) settlement, have not been settled and this regard, he has came forward with this Writ Petition.
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Since, the second respondent has not chosen to pass any orders, based on the recommendation dated 14.06.2010, submitted by the third respondent, the petitioner is constrained to file the present Writ Petition.

6. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.6

7. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances of the case, and without going into the merits of the claim expressed by the petitioner, either in the representation or in the Writ Petition, directs the respondent to consider and dispose of the petitioner's representation, dated and the reminder, dated , on merits and in accordance with law and pass orders within a period of weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to M/s. S.A. Mahisha Kirthika, Advocate, S.R.No.11240
+1cc to Mr.P. Kannan Kumar, Advocate, S.R.No.12060

NR(CO)
EU 5.4.17

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