

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6574 of 2017

P. Hemathkumar

Petitioner

vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.
No.12, Ramakrishna Road
Salem 636 007
 - 2 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Region
Dharmapuri 636 705
 - 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 seeking a writ of mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, leave encashment (earned & old medical leave), leave surrender amount while in service, ERBS amount, D.A. Arrears, IRT amount, Social Welfare Fund, 2016 settlement arrears and all other attendant benefits by calculating D.A. Eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also, with interest at 12% per annum with effect from 01.01.2017 within a stipulated time.

For petitioner Mr. J. Pradeep

For respondents Mr. R.K. Gandhi, Standing Counsel

ORDER

Mr. R.K. Gandhi, learned Standing Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking the following relief:

"a writ of mandamus directing the respondents to disburse the payments relating to Provident Fund, Gratuity, leave encashment (earned & old medical leave), leave surrender amount while in service, ERBS amount, D.A. Arrears, IRT amount, Social Welfare Fund, 2016 settlement arrears and all other attendant benefits by calculating D.A. Eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also, with interest at 12% per annum with effect from 01.01.2017 within a stipulated time."

3 According to the petitioner, he, having served as Driver in Annai-Sathya Transport Corporation on 31.08.1991, retired from service on 31.12.2016, on attaining the age of superannuation; since he was not paid with retirement benefits, he addressed a representation dated 06.03.2017 to the first respondent seeking early disbursement of his retirement benefits, viz., Provident Fund, Gratuity, leave encashment (Earned & Old Medical Leave), leave surrender amount while in service, ERBS amount, D.A. arrears, IRT amount, social welfare fund and 2016 settlement arrears, which remains unconsidered, as a result of which, his family is reeling under poverty; further, similarly placed persons have been paid their retirement benefits on the basis of the direction given by this Court for the disbursement of the retirement benefits and hence, the present writ petition seeking the aforestated relief.

4 Considering the fact that the petitioner has retired as Selection Grade Senior Driver in the respondent-Transport Corporation and has addressed a representation dated 06.03.2017 to the first respondent seeking early disbursement of his retirement benefits which is under consideration, this Court directs the first respondent to consider and pass orders on the petitioner's representation dated 06.03.2017 in the light of the order dated 12.06.2015 passed by a Division Bench of the Madurai Bench of Madras High Court in W.A.No. (MD) Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and 3 others] and disburse the petitioner's retirement benefits, if any, 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.

The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.
No.12, Ramakrishna Road
Salem 636 007
- 2 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Region
Dharmapuri 636 705
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai 600 002

+1 cc to Mr.J.Pradeep, advocate, sr.16690

+1 cc to mr.R.K.Gandhi, advocate, sr.16928.

lrs (co)
krd 27/3

W.P. No.6574 of 2017

सत्यमेव जयते

WEB COPY