IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6771 of 2017

V. Asokan Petitioner

vs.

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

2.State Express Transport Corporation Ltd.
(Old name Thiruvalluvar Transport Corporation Ltd.)
represented by its Managing Director
Pallavan Salai, Chennai 600 002

3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
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 settle the petitioner's retirement benefits such as Gratuity, encashment of leave salary, commutation of pension, social security scheme, subscription amount of Engineering College and Medical College, D.A. arrears, Retirement Benefit Scheme and Pension, D.A. arrears, encashment of unearned leave on private affairs as ordered in Govt. Letter No.37568/BPE/2006 dated 28.01.2008, after taking into account enhanced Dearness Allowance and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.03.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

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For petitioner	Mr. V.S. Jagadeesan
For R1	Mr. V. Jayaprakash Narayanan Special Government Pleader
For RR 2 & 3	Mr. P. Paramasivadoss Standing Counsel

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the first respondent. Mr. P. Paramasivadoss, learned Standing Counsel, accepts notice for respondents 2 and 3. 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 settle the petitioner's retirement benefits such as Gratuity, encashment of leave salary, commutation of pension, social security scheme, subscription amount of Engineering College and Medical College, D.A. arrears, Retirement Benefit Scheme and Pension, D.A. arrears, encashment of unearned leave on private affairs as ordered in Govt. Letter No.37568/BPE/2006 dated 28.01.2008, after taking into account enhanced Dearness Allowance and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.03.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015."

3 According to the petitioner, he, having joined as Junior Assistant on 05.10.1981 in the erstwhile Thiruvalluvar Transport Corporation, retired from service as Assistant Manager - Legal on 31.03.2016, on attaining the age of superannuation; since he was not paid with retirement benefits, he addressed a representation dated 07.09.2016 to the first respondent seeking early disbursement of his retirement benefits, viz., Gratuity, encashment of leave salary, commutation of pension, social security scheme, subscription amount of Engineering College and Medical College, D.A. arrears, Retirement Benefit Scheme and Pension, D.A. arrears and encashment of unearned leave on private affairs, 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.

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4 Considering the fact that the petitioner has retired as Assistant Manager - Legal in the second respondent-Transport Corporation and has addressed a representation dated 07.09.2016 to the second respondent seeking early disbursement of his retirement benefits which is still under consideration, this Court directs the second respondent to consider and pass orders on the petitioner's representation dated 07.09.2016 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

/true copy/

Sub Asst. Registrar

cad

To

1.The Principal Secretary
Transport Department
Secretariat
Fort St. George
Chennai 600 009

2.The Managing Director
State Express Transport Corporation Ltd.
(Old name Thiruvalluvar Transport Corporation Ltd.)
Pallavan Salai
Chennai 600 002

3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
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+1cc to Mr.Jagadeesan, Advocate Sr. 17550

+1cc to the Government Pleader Sr. 17952

W.P. No.6771 of 2017

MG(CO)
VR(07/04/2017)

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