

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5753 of 2017

N.Ishak

...Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu
Veludha Reddy Post
Villupuram 605 602
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region
Kancheepuram 631 552
3. The Administrator
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 20.12.2016 in Letter No.12602/PB4/ TNSTC (VPM)/ KPM/2016 and quash the same and consequently direct the respondents to settle the retirement benefits payable to the petitioner by reckoning the value of the Dearness Allowance at the rate of 107% as ordered in G.O.(Ms.) No.147 Transport (D) Department dated 30.12.2014 and pay the difference of money value for the installments already paid with interest.

For Petitioner :: Mr.K.Selvaraj

For Respondents :: Mr.P.Paramasivadoss

ORDER

This writ petition has been filed questioning the correctness of the order dated 20.12.2016, wherein the claim of the petitioner for payment of the dearness allowance at the rate of 107% for six months, as per G.O.Ms.No.147, Transport (D) Department dated 30.12.2014, along with the arrears of pension and gratuity, which works out to Rs.28,000/- according to the petitioner, has been declined.

2. Mr.P.Paramasivadosh, learned standing counsel for the respondents submitted that indeed, the Transport Corporation is reeling under financial crunch, therefore, several other similarly placed retired employees are mounting pressure on the Transport Corporation to disburse their retiral benefits, as a result the impugned order has been passed. However, he requested this Court to grant four weeks time to disburse the balance retiral benefits to the petitioner.

3. At the outset, this Court is not able to find any justification in the impugned order. When this Court had already directed the respondents in W.P.No.17528 of 2016 in its order dated 1.6.2016 to consider the petitioner's earlier representation dated 21.12.2015 within six weeks from the date of receipt of copy of that order, passing the impugned order on the ground that they are unable to pay the retiral benefits to the petitioner, to which he is legally entitled to, due to financial crunch, cannot be accepted. However, accepting the request made by the learned standing counsel for the respondents, the respondents are directed to settle the entire arrears of retiral benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

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To

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Employees Post Retirement Welfare
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Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+1cc to Mr.Selvaraj, Advocate, S.R.No.14774

SKS (CO)
RS (17/03/2017)

W.P.No.5753 of 2017

सत्यमेव जयते

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