

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2017

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P. No. 31697 of 2017

K. Amirthalingam

..Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007.

...Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent to pay the retirement benefits such as the benefits of Earned and Unearned Leave, old Medical Leave benefit and other retirement benefits payable to the petitioner with interest @ 12% from the date of retirement.

For Petitioner :: Mr.A. Nagarathinam

For Respondent :: Mr.R.K. Gandhi

ORDER

This writ petition is filed for issue of a Writ of Mandamus directing the respondent to pay the retirement benefits such as the benefits of Earned and Unearned Leave, old Medical Leave benefit and other retirement benefits payable to the petitioner with interest @ 12% from the date of retirement.

2. The case of the petitioner is that he entered the service of the respondent Corporation as Conductor on 01.09.1980 and finally, worked as Senior Checking Inspector and his employee number is FC 0296. On attaining the age of superannuation, the petitioner retired from service on 31.01.2012. Eventhough the petitioner had retired from service, he was paid only Provident Fund Amount, Gratuity, Commutation, Labour Welfare Fund, IRT Share amount and he was not paid the benefits of earned leave and unearned leave and old Medical Leave benefit. Hence, the petitioner made a representation dated 06.05.2017 to the respondent Corporation to pay the remaining

retirement benefits. However, there was no response. Hence, the present writ petition.

3. Heard the learned counsel on either side.

4. The issue involved in the present writ petition is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.06.2015 in W.A.(MD) Nos. 383 to 457 of 2015 (K. Rajendran & Others V. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and Others) and following the said judgment, similar relief has been granted in W.P. No. 32252 of 2016 by order dated 15.09.2016.

5. In the light of the above said judgment of the Division Bench of the Madurai Bench of this Court, without going into the merits of the matter, the respondent is directed to disburse the aforementioned retiral benefits to the petitioner, in 12 equal monthly instalments, the first of which shall commence from January, 2018.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

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To
The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007.

+ 1 cc to Mr.A. Nagarathinam Advocate,SR.87282

+ 1 cc to Mr.R.K. Gandhi Advocate,SR.87051

W.P. No. 31697 of 2017

nr 28/12/2017