

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1248 of 2017

P.Elangovan, Staff No.TO 8615,
S/o.S.A.Paramasivam ... Petitioner
vs.

- 1) The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.
- 2) The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai-600 002.
- 3) The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar house,
Pallavan Salai,
Chennai-600 002. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second and third respondents to disburse the retirement benefits viz., Earned Leave Surrender Salary of Rs.4,39,000/-, Pension Commutation amount of Rs.3,49,000/-, IRT Contribution Amount of Rs.2,4000/-, Gratituty difference amount of Rs.1,90,000/-, Settlement arrears amount of Rs.1,06,800/-, the total comes to Rs.10,87,200/- (Rupees Ten Lakhs Eighty Seven Thousand Two Hundred only) with 18% interest on delayed payment to the petitioner the Senior Trades Man Staff No.TO8615, who has retired from service on 31.08.2014.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.T.M.Pappiah
Spl. Govt. Pleader for R1
Mr.P.Kannan Kumar for R2 & R3

ORDER

By consent, the writ petition is taken up for final disposal.

2.The writ petition has been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioner, together with interest, by following the order passed in W.A.(MD).Nos. 383 to 457 of 2015 dated 12.06.2015.

3.The petitioner/P.Elangovan was joined as Helper in erstwhile Pallavan Transport Corporation under Government of Tamil Nadu undertaking on 14.06.1982. After amalgamation of Ambethkar Transport Corporation Limited with Pallavan Transport Corporation Limited, the then Corporation was renamed as Metropolitan Transport Corporation (Chennai) Limited. After completing 32 years of service, the petitioner was retired from service as Senior Trades Man on 31.08.2014 and he was not paid the following retirement benefits due to them, fully:

EL Surrender Salary	Rs. 4,39,000/-
Gratuity difference	Rs. 1,90,000/-
Commutation Amount	Rs. 3,49,000/-
IRT Contribution Amount	Rs. 2,400/-
Settlements Arrears	Rs. 1,06,800/-
Total	Rs.10,87,200/-

Hence, the petitioner made several representations to the respondents requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioner, the learned Special Government Pleader as well as the learned counsel, who take notice for the respondents.

5.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 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

6.Following the said judgment, without going into the merits of the matter, the second and third respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu

State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 1st week of June, 2017 and each of the instalments should be paid on or before 7th of each month till the entire payment is made.

7. With the above direction, the present writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-DR)

True Copy

Sub-Assistant Registrar

kal

To

- 1) The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.
- 2) The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai-600 002.
- 3) The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar house,
Pallavan Salai,
Chennai-600 002.

+2 ccs to Mr. P. Kannankumar Advocate sr 19202
+1 cc to Mr. D. Veerasekaran Advocate sr 19000

W.P.No.1248 of 2017

nrII(co)
aa04/05/2017