

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1249 of 2017

S.Selvaraj, Staff No.A0 3644,
S/o.S.Sambandam

... 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.3,70,000/-, Pension Commutation amount of Rs.3,40,000/-, IRT Contribution Amount of Rs.4,360/-, Gratuity difference amount of Rs.1,90,000/-, Settlement arrears amount of Rs.1,57,300/-, the total comes to Rs.10,61,660/- (Rupees Ten Lakhs Sixty One Thousand Six Hundred and Sixty only) with 18% interest on delayed payment to the petitioner the Special Grade Security Guard Staff No.A9 3644 who has retired from service on 28.02.2015.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.T.M.Pappiah

Spl. Govt. Pleader for R1

Mr.P.Kannan Kumar for R2 and 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/S.Selvaraj was joined as Conductor in erstwhile Pallavan Transport Corporation under Government of Tamil Nadu undertaking on 25.12.1986. 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 28 years of service, the petitioner was retired from service as Special Grade Security Officer on 28.02.2015 and he was not paid the following retirement benefits due to them, fully:

EL Surrender Salary	Rs. 3,70,000/-
Gratuity difference	Rs. 1,90,000/-
Commutation Amount	Rs. 3,40,000/-
IRT Contribution Amount	Rs. 4,360/-
Settlements Arrears	Rs. 1,57,300/-
Total	Rs.10,61,660/-

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

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To

- 1) The Principal Secretary to Government,
Transport Department,
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Chennai-600 009.
- 2) The Managing Director,
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Pallavan Salai,
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- 3) The Administrator,
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Pension Fund Trust, Thiruvalluvar house,
Pallavan Salai,
Chennai-600 002.

+2 ccs to Mr. P. Kannan Kumar Advocate sr 19201
+1 cc to Mr. D. Veerasekaran Advocate sr 19001

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aa04/05/2017