

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26959 of 2017

P.Rajendiran

...Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-7.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Old Medical Leave), Leave Surrender for the years 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A. Arrears and all other retirement benefits by calculating the D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also, with interest at 12% p.a. with effect from 01.04.2017 within a time as may be fixed by this Court.

For Petitioner : Mr.G.Sakthivel

For Respondents : Mr.P.Paramasiva Doss

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Old Medical Leave), Leave Surrender for the years 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A. Arrears and all other retirement benefits by calculating the D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also, with interest at 12% p.a. with effect

from 01.04.2017 within a time stipulated by this Court.

2. The case of the petitioner is that he joined as Junior Assistant in the erstwhile Anna Transport Corporation (Salem) Limited on 27.03.1982. On attaining the age of superannuation, he retired from service on 31.03.2017. After various mergers and demergers, the erstwhile Corporation was named as Tamil Nadu State Transport Corporation (Salem) Limited. In the meantime, the petitioner was given promotion to the post of Superintendent. His grievance is that his retirement benefits such as Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Old Medical Leave), Leave Surrender for the years 2009-2011, IRT Share Amount, Labour Welfare Fund, D.A. Arrears and all other retirement benefits by calculating the D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance with interest at 12% p.a. with effect from 01.04.2017 have not been disbursed to him till date. In this regard, the petitioner has given a representation to the respondents on 02.05.2017. The same has also not been considered. Hence, the present Writ Petition.

3. Reiterating the above averments made in the Writ Petition, the learned Counsel for the petitioner submitted that a direction may be issued to the respondents to consider the representation of the petitioner on merits within a specified time.

4. Mr.P.Paramasiva Doss, learned Counsel taking notice for the respondents 1 and 2 sought for 4 weeks to consider and dispose of the representation of the petitioner.

5. In an identical circumstance, this Court in W.P.No.4298/2016 dated 04.02.2016, directed the respondents to pay the entire retirement benefits to the petitioner thereon in 12 equal instalments with interest at 6% p.a. within a specified time. Therefore, this Court is of the view that the same treatment has to be given to the present case also.

6. Accordingly, considering the facts and circumstances of the case, this Court directs the respondents to consider the representation of the petitioner dated 02.05.2017 and pass appropriate orders thereon on merits and in accordance with law and also in the light of the orders passed in W.P.No.4298/2016 dated 04.02.2016, within a period of four weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-7.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

+1 cc to Mr.G.Sakthivel Advocate sr 74346

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