

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28867 of 2017

S.Natarajan

...Petitioner

Versus

M/s.State Express Transport Corporation
Limited rep. by its Managing Director,
No.2, Pallavan Salai, Chennai-2.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner, Gratuity amount of Rs.9,00,000/-, Commutation Amount of Rs.3,50,000/-, Surrender of Earned Leave 74.5 days and Medical Leave of 9.5 days amount of Rs.1,23,200/-, Erode Engineering College and Perundurai Medical College Amount of Rs.4,500/-, Social Security Scheme Amount of Rs.35,000/-, Grade Pay Arrears amount of Rs.47,600/- and revise the pension taking into account of Grade Pay of Rs.4300/- and altogether, a sum of Rs.14,60,300/- with interest at the rate of 6% p.a. by considering the representation of the petitioner dated 07.09.2017.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.P.Paramasivadoss

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner, namely, Gratuity amount of Rs.9,00,000/-, Commutation Amount of Rs.3,50,000/-, Surrender of Earned Leave 74.5 days and Medical Leave of 9.5 days amount of Rs.1,23,200/-, Erode Engineering College and Perundurai Medical College Amount of Rs.4,500/-, Social Security Scheme Amount of Rs.35,000/-, Grade Pay Arrears amount of Rs.47,600/- and revise the pension taking into account of Grade Pay of Rs.4300/- and altogether, a sum of Rs.14,60,300/- with interest at the rate of 6% p.a. by considering the representation of the petitioner dated 07.09.2017.

2. The case of the petitioner is that he was appointed as Driver on 03.10.1985 in the respondent Transport Corporation and on reaching the age of superannuation, he was permitted to retire from service on 30.06.2017 as Driving Instructor as per the Proceedings of the respondent dated 20.06.2017. A perusal of the said Proceedings would go to show that there is no departmental proceedings or punishment running against the petitioner. Therefore, the petitioner is entitled to get all the retirement benefits. In this regard, the petitioner has made a representation to the respondent on 07.09.2017. But the same has not been considered is the grievance of the petitioner.

Hence, the petitioner has approached this Court by way of filing this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

4. The issue involved in the present writ petition is squarely covered by a decision 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).**

5. Following the said judgment, without going into the merits of the matter, the respondent is directed to disburse the retiral benefits to the petitioner herein with interest at 6% p.a., 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 1.12.2017. In the event of non-failure to disburse the retiral benefits as stated above, the respondent is liable to disburse the same with interest at 18% p.a.

T.RAJA, J.

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

13.11.2017

Index:Yes/No

Internet:Yes/No

tsi

To

Managing Director,
M/s.State Express Transport Corporation
Limited,
No.2, Pallavan Salai, Chennai-2.



W.P.No.28867 of 2017

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