

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.09.2017
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THE HONOURABLE MR.JUSTICE T.RAJA**W.P. (MD) No.18176 of 2017**

P.Karuppusamy

: Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Karur Region, Karur.

3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's terminal benefits including gratuity, commuted value of pension, earned leave salary, social security scheme amount, monthly pension and Refund of Contribution towards Medical, Engineering, Polytechnic Colleges and Institute of Road Transport and all other attendant benefits together with interest at the rate of 18% per annum payable from the date of his retirement i.e., from 26.08.2017 to till the date on which the said benefits are settled to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman,
Standing Counsel for TNSTC**O R D E R**

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.



3. The learned counsel for the petitioner would submit that the petitioner joined in the first respondent as Driver with effect from 30.09.1988, and thereafter promoted as Senior Grade Driver. Later, the petitioner was dismissed from service on 21.12.1998 on the ground that the petitioner was negligent in driving. Hence, the petitioner filed W.P.(MD)No.5534 of 2000, before the Principal Bench of this Court. This Court, vide order dated 21.01.2003, allowed the writ petition challenging the dismissal order passed against the petitioner, by setting aside the order of dismissal dated 19.12.1998 and further the respondents were directed to reinstate the petitioner in service with continuity of service and all consequential benefits both monetary and service benefits. Aggrieved by the order of this Court in W.P.(MD)No.5534 of 2000, the respondent Management preferred an appeal in W.A.No.2399 of 2003. This Court, vide order dated 23.11.2007, confirmed the order of the learned Single Judge and the back wages alone were modified to the extent of 50%. Pursuant to the said order, the petitioner was reinstated in service with 50% of back wages and continuity of service was also given to the petitioner.

4. Thereupon, the petitioner rejoined duty with effect from 04.05.2008 and was promoted to the post of Selection Grade Driver on 01.08.2012. The petitioner on reaching the age of superannuation, retired from service with effect from 30.06.2017. The respondents have not settled the retirement benefits, namely, Provident Fund, Gratuity, Leave Salary, and all other attendant benefits. Hence, the petitioner has given a representation to the respondents on 26.08.2017, requesting the respondents to pay the entire terminal benefits with interest from the date of his superannuation. Finding no response, the petitioner is before this Court with this writ petition.

5. The learned counsel appearing for the respondents, sought four weeks to consider the representation of the petitioner.

6. The issue relating to the payment of retirement benefits by the Transport Corporation is no more res integra. The first Bench in W.A.(MD) Nos.383 to 457 of 2015, keeping in mind the retirement benefits having not been disbursed by the Transport Corporation, has given twelve equal monthly installments to clear all the retirement benefits with interest at 6%.

7. In the light of the order passed by this Court in the writ appeal cited supra, the respondents are hereby directed to disburse the retirement benefits of the petitioner in twelve equal installments and the first of such installment shall commence from the first week of November 2017.



8. The Writ Petition stands disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Karur Region, Karur.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.80644.

+1cc to M/S.A.RAHUL, Advocate SR.No.81010.

W.P. (MD) No.18176 of 2017
22.09.2017

Mrn/MR
SDS/MR:KKR/SAR 1/01.11.2017/3P/6C