

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5594 of 2018

S.M.Anbazhagan

... Petitioner

Vs

1. Tamil Nadu State Transport Corporation
(Villupuram) Limited
rep. by its Managing Director,
3/137, Salaimedu,
Villupuram.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region, Ponnerikarai,
Chennai-Bangalore Highways,
Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, directing the respondents to pay and settle the petitioner forthwith a sum of Rs.3,97,180/- towards Gratuity, a sum of Rs.27,528/- towards Earned Leave Salary, a sum of Rs.47,508/- towards Medical Leave Salary, a sum of Rs.2,02,210/- towards Commuted Value of Pension, a sum of Rs.3,860/- towards IRT Contribution; Employee Contribution on Provident Fund, the amount payable under the Social Security Scheme, monthly pension payable under the Post Retirement Scheme from 01.09.2013 with arrears and monthly pension payable under the TNSTCE Pension Scheme from 01.09.2013 with periodical revision in pension and dearness allowance with arrears and to pay interest for all the above benefits from the date of his retirement till the amounts are actually paid to the petitioner at the rate of 12% p.a., award costs.

For Petitioner : Mr.M.Karunakaran

For Respondents : Mr.Aj.Antony Arockia Raj

O R D E R

This Writ Petition has been filed by the petitioner seeking to issue a Writ of Mandamus, directing the respondents to pay and settle the petitioner forthwith a sum of Rs.3,97,180/- towards Gratuity, a sum of Rs.27,528/- towards Earned Leave Salary, a sum of Rs.47,508/- towards Medical Leave Salary, a sum of Rs.2,02,210/- towards Commuted Value of Pension, a sum of Rs.3,860/- towards IRT Contribution, the amount payable under the Employee Contribution on Provident Fund, the amount payable under the Social Security Scheme, monthly pension payable under the Post Retirement Scheme from 01.09.2013 with arrears and monthly pension payable under the TNSTCE Pension Scheme from 01.09.2013 with periodical revision in pension and dearness allowance with arrears and to pay interest for all the above benefits from the date of his retirement till the amounts are actually paid to the petitioner at the rate of 12% p.a.

2. Learned Counsel for the petitioner submitted that the petitioner who was working as a Driver in the 1st respondent Transport Corporation, was dismissed from service on 21.2.1998. Challenging the same, he raised an Industrial Dispute in I.D.No.516/2001 before the II Additional Labour Court, Chennai and that was allowed by an award dated 28.11.2008 setting aside the order of dismissal thereby granting reinstatement with 50% of the consequential benefits. The said award was challenged by the Management of Tamil Nadu State Transport Corporation (Villupuram) Limited, Kancheepuram Region, Kancheepuram in W.P.No.16326/2009 and the same was dismissed by an order dated 18.11.2011 by this Court. Aggrieved over the same, the 2nd respondent herein preferred an appeal in W.A.No.1698/2014 before a Division Bench of this Court, which was dismissed by judgment dated 12.1.2015. After the disposal of the Writ Petition, the 2nd respondent reinstated the petitioner by an order dated 3.8.2012 and the petitioner joined duty on 9.8.2012 and subsequently, he retired from service on 31.8.2013 A.N. But the grievance of the petitioner is that the respondents have not settled the petitioner any of his terminal benefits such as Gratuity, Provident Fund, the Amount Payable under the Social Security Scheme, Earned Leave Salary, Earned Leave Salary, Medical Leave Salary, IRT Contributions, Monthly Pension Payable under the Post Retirement Scheme, Monthly Pension Payable under the TNSTCE Pension Scheme, Commuted Value of Pension etc. Therefore, the petitioner has given a representation dated 28.11.2016 to the respondents. Since there is no response for

the same, the petitioner is before this Court with this Writ Petition.

3. The learned Counsel for the petitioner further submitted that the petitioner would be satisfied, if a direction be issued to the respondents to consider the representation of the petitioner dated 28.11.2016.

4. Mr.A.Antony Arockiya Raj, learned Counsel who takes notice for the respondents sought for time to file counter.

5. But, this Court, considering the facts of the case, is of the view that there is no need for filing counter and hereby direct the respondents to consider the representation of the petitioner dated 28.11.2016 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this Order.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
3/137, Salaimedu,
Villupuram.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region, Ponnerikarai,
Chennai-Bangalore Highways,
Kancheepuram.

3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1cc to Mr.Aj.Antony Arockia Raj, Advocate, S.R.No.18783

+1cc to Mr.M.Karunakaran, Advocate, S.R.No.18775

W.P.No.5594 of 2018

sj (CO)
GSP (03/04/2018)



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