

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.08.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 20895 OF 2018

R.Durairaj

.. Petitioner

- Vs -

1. The General Manager/Addl. Director
Tamil Nadu State Transport Corporation
Villupuram District.

2. The Branch Manager
Tamil Nadu State Transport Corporation
Chinna Salem, Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to disburse the retirement benefits including Provident Fund, Gratuity, commutation, EL, Surrender and other monetary benefits and pensionary benefits along with 18% interest from the date of retirement of the petitioner, i.e., 30.04.2018 to the petitioner within a stipulated period as fixed by this Court.

For Petitioner : Mr R.Nalliyappan

ORDER

The writ petition has been filed seeking a direction to the respondents to disburse the retirement benefits, including Provident Fund, Gratuity, commutation, EL, Surrender and other monetary benefits and pensionary benefits along with 18% interest from the date of retirement of the petitioner, i.e., 30.04.2018.

2. The petitioner herein was a driver working in the respondent Transport Corporation for more than 20 years. The petitioner retired from the services of the respondent Transport Corporation on 30.4.18. It is the claim of the petitioner that the retirement benefits have not been disbursed to the petitioner till date. In this regard the petitioner made a representation on 8.5.18 followed by three other representation for disbursement of the retirement benefits. In spite of the said representations, the retirement benefits have not been disposed of till date. Aggrieved by the non-payment of the retirement benefits in spite of the representations, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. In view of the order that this Court proposes to pass, it is not necessary to keep the petition pending. A perusal of the order passed on the date of retirement does not indicate pendency of any disciplinary proceedings against the petitioner. In other words, there is literally no disqualification for the petitioner to receive the retirement benefits. The petitioner has been relieved from service without any riders attached to his superannuation. Such being the case, the respondents ought to have disbursed the retirement benefits to the petitioner by now, which has not been done.

5. In such view of the matter, without going into the merits of the issue, this Court directs the 1st respondent to consider the representations dated 8.5.18, 14.5.18, 23.5.18 and 18.7.18, submitted by the petitioner for disbursement of the retirement benefits, and pass orders thereon, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the aforesaid direction. However, there shall be no order as to costs.

Sd/--
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The General Manager/Addl. Director
Tamil Nadu State Transport Corporation
Villupuram District.

2. The Branch Manager
Tamil Nadu State Transport Corporation
Chinna Salem, Villupuram District.

+1cc to Mr.R.Nalliyappan, Advocate 56147

SPD(CO)

sm;10.9.2018

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