

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.30053 of 2018

S.Ramasamy

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Petitioner

Vs

- 1.The Managing Director
TNSTC (Salem Division)
No.12, Ramakrishna Salai, Salem-7.
- 2.The Branch Manager
Tamilnadu State Transport Corporation
(Salem Division) No.12, Ramakrishna Road
Salem-7. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to settle the retiral benefits namely increment for a period from July 2015 to June 2017 Provident Fund Amount, Commutation, Gratuity, Labour Welfare Fund, IRT College Amount, Leave Surrender Salary, Earned Leave Surrender Salary, Medical Leave Surrender as per settlement, and other legally payable benefits with 18% interest from the date of due to till the date of payment within the stipulated time as that may be fixed by this Honourable Court.

For Petitioners : M/s.N.Umapathi

For Respondent : Ms.Rajeni Ramadoss

O R D E R

This writ petition is filed by the petitioner, seeking direction to the first respondent to settle the retirement benefits namely increment for a period from July 2015 to June 2017, Provident Fund amount, Commutation, Gratuity, Labour Welfare Fund, IRT College Amount, Leave Surrender Salary, Earned Leave Surrender Salary, Medical Leave Surrender as per settlement and other legally payable benefits with 18% interest from the date of due to till the date of payment within the stipulated time as fixed by this Court.

2. The petitioner was working as Branch Manager under the respondents and he was issued with a charge memo dated 31.10.2012, to which the petitioner offered his explanation.

Not satisfied with the explanation, the respondents passed an order dated 21.10.2013 imposing punishment of stoppage of increment for one year with cumulative effect. Aggrieved by the same, the petitioner filed a writ petition in W.P.No.6570 of 2013, which was allowed and the matter was remitted back to the authority for fresh consideration. Subsequently, the respondent awarded the same punishment by an order dated 29.09.2015, against which the petitioner preferred a statutory appeal before the Board of Directors on 07.02.2017, whereby the appellate authority, by the proceedings of the Board of Directors meeting dated 30.03.2017, concluded that the punishment imposed on the petitioner should be set aside. Accordingly, the respondent, by an order dated 21.07.2017, informed the petitioner that the disciplinary proceedings against him is dropped. The petitioner attained the age of superannuation on 30.05.2018. However, as the terminal benefits were not settled even after his retirement, he made a representation to the respondents on 20.06.2018, which has not yet been considered till date. Hence, the petitioner has filed the present writ petition.

3. Learned counsel for the respondents submits that the respondents shall look into the grievances of the petitioner and would pass suitable orders within the time fixed by this Court.

3.1. Once the disciplinary proceedings are dropped it is the duty of the respondents to settle the retirement benefits to the petitioner.

4. Earlier, in similar matters, this Court in W.P(Md). No.2629 of 2015, directed the Transport Corporation to settle the retirement benefits to the retired employees in nine equal monthly instalments with interest at 6% per annum for the entire amount and in case of delay in paying the monthly instalments, interest to be paid at 18% per annum.

5. Accordingly, following the earlier order of this Court, the respondents are directed to settle the terminal benefits of the petitioner in nine equal monthly instalments and the first of such instalments shall be paid on or before 01st January 2019. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

kst

To

1.The Managing Director
TNSTC (Salem Division)
No.12, Ramakrishna Salai,
Salem-7.

2.The Branch Manager
Tamilnadu State Transport Corporation
(Salem Division) No.12, Ramakrishna Road
Salem-7.

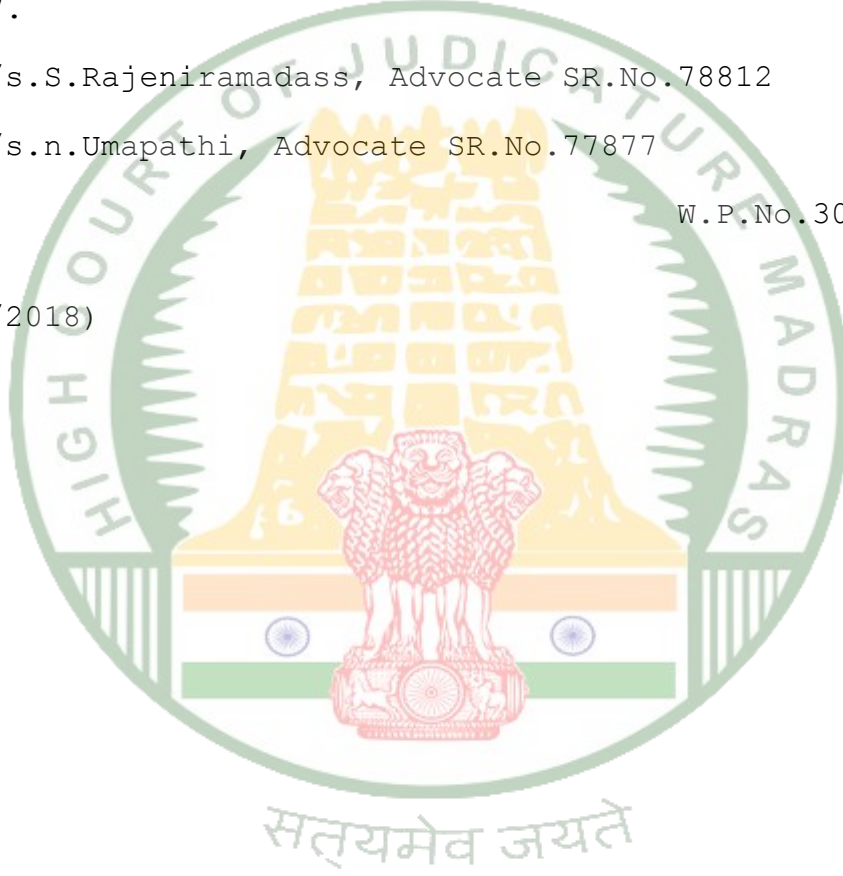
+1cc to M/s.S.Rajeniramadass, Advocate SR.No.78812

+1cc to M/s.n.Umapathi, Advocate SR.No.77877

W.P.No.30053 of 2018

SVN(CO)

GMV (12/12/2018)



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