

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32638 of 2018

R.Ganesan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.6,42,995/- + Leave Encashment (EL) amount of Rs.25,562/- + SSS Fund of Rs.44,124/- + PF amount of Rs.4,23,174/- + College Fund amount of Rs.4,500/- + Semanalla Needhi of Rs.17,000/-, totally a sum of Rs.11,57,335/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.09.2018 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.10.2018 to till the date of disbursement of the terminal benefits to the petitioner and to pay the pension amount for the period from 01.10.2018.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.R.S.Selvam,
Government Advocate

ORDER

The petitioner joined the services of the respondent Transport Corporation as Driver in the year 08.10.1993 and he was allowed to retire from service on 30.09.2018.

1.1. In the order dated 29.09.2018, the respondent has stated that there is a proceedings to be initiated in respect of

the pending writ petition No.5104 of 2018 and without prejudice to the proceedings to be initiated, the petitioner is permitted to retire.

1.2. When the records were perused, in the representation dated 07.11.2018, the details regarding W.P.No.5104 of 2018 has been detailed. The petitioner had surrendered 45 days of his Earned Leave and even after the expiry of 6 years, the management has not paid the surrender leave salary. Claiming the same, the petitioner has filed a writ petition against the respondent/Management.

1.3. It is the fundamental right of the petitioner to move the Court, claiming his rights. In respect of the same, the Management cannot initiate any disciplinary proceedings. Therefore, there is no justification to retain the retirement benefits payable to the petitioner.

1.4. The petitioner himself made a representation to the respondent on 07.11.2018, seeking settlement of retirement benefits. As the said representation has not been considered, the present writ petition has been filed seeking a direction to the respondent to settle the entire retirement benefits of the petitioner along with 18% interest.

2. 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.

3. Therefore, following the earlier order of this Court, the respondent is 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 February 2019.

4. With the above directions, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

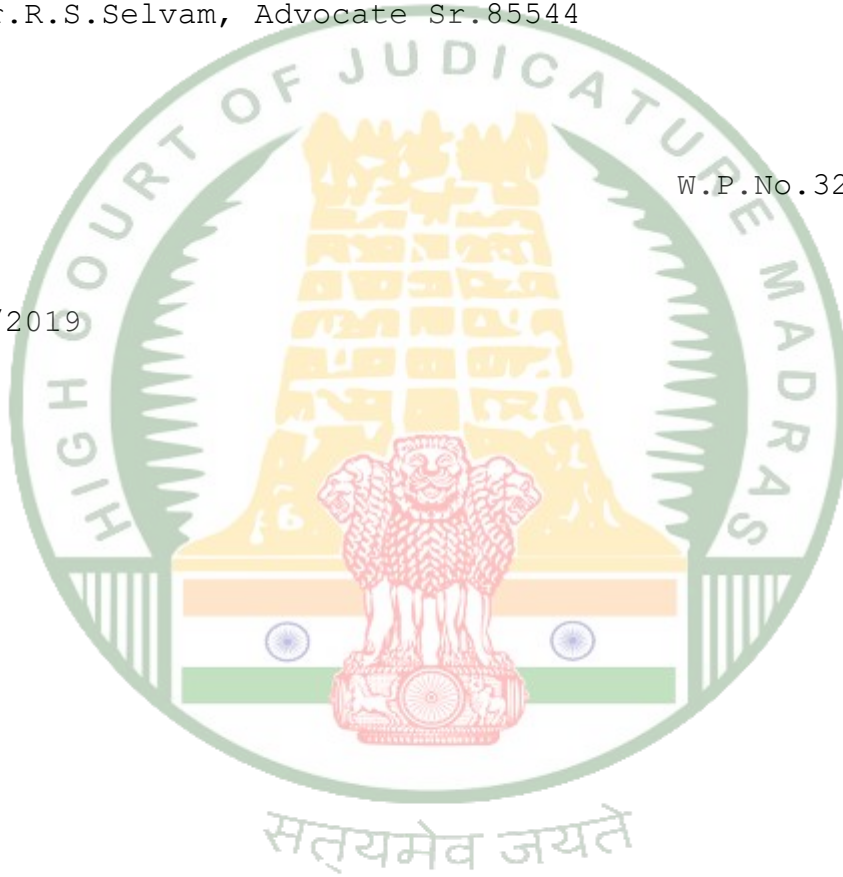
The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.R.Y.George Williams, Advocate Sr.85175

+1cc to Mr.R.S.Selvam, Advocate Sr.85544

W.P.No.32638 of 2018

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srg 21/01/2019



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