

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19577 of 2019

K.Ramamoorthy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Transport Department,
Fort.St.George, Chennai - 600 009.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the retirement benefits viz., Provident Fund Amount Rs.2,00,000/-, Gratuity Amount of Rs.4,22,585/-, Earned Leave Surrender Salary Amount of Rs.11,625/-, Social Security Scheme Amount of Rs.20,000/- and total comes to Rs.6,54,210/- (Rupees Six Lakhs Fifty Four Thousand Two Hundred and Ten Only) with 18% interest on delayed payment to the petitioner, the Selection Grade Driver, Staff No.D50756 who has retired from service on 31.12.2018.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.R.S.Selvam for R1
Government Advocate
Mr.M.Chidambaram for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents to disburse the retirement benefits viz., Provident Fund Amount Rs.2,00,000/-, Gratuity Amount of Rs.4,22,585/-, Earned Leave Surrender Salary Amount of Rs.11,625/-, Social Security Scheme Amount of Rs.20,000/- and total comes to Rs.6,54,210/- (Rupees Six Lakhs

Fifty Four Thousand Two Hundred and Ten Only) with 18% interest on delayed payment to the petitioner, the Selection Grade Driver, Staff No.D50756 who has retired from service on 31.12.2018.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The case of the petitioner is that the petitioner joined as Driver in Ambethkar Transport Corporation on 21.01.1998 and after amalgamation with Pallavan Transport Corporation, it was renamed as Metropolitan Transport Corporation (Chennai) Ltd. The petitioner was upgraded as Selection Grade Driver on 01.01.2012 and retired from service on 31.12.2018 on attaining the age of superannuation. Though the petitioner retired from service in the year 2018, the retirement benefits due to him has not yet been paid to him. Hence this writ petition.

4.The learned counsel appearing for the petitioner would submit that though the petitioner retired from service in the year 2018, the retirement benefits due to him has not yet been paid to him. Hence this Court may issue direction to the respondents to pay the retirement benefits due to the petitioner.

5.The learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent did not dispute the fact that the retirement benefits due to the petitioner has not yet been paid to him and would also fairly submit that no disciplinary proceedings is pending against the petitioner.

6.In the absence of any disciplinary proceedings pending against the petitioner, there is no legal impediment for the respondents to settle the retirement benefits due to the petitioner. Hence, this Court directs the respondents to settle the retirement benefits due to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Transport Department,
Fort.St.George, Chennai - 600 009.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 002.

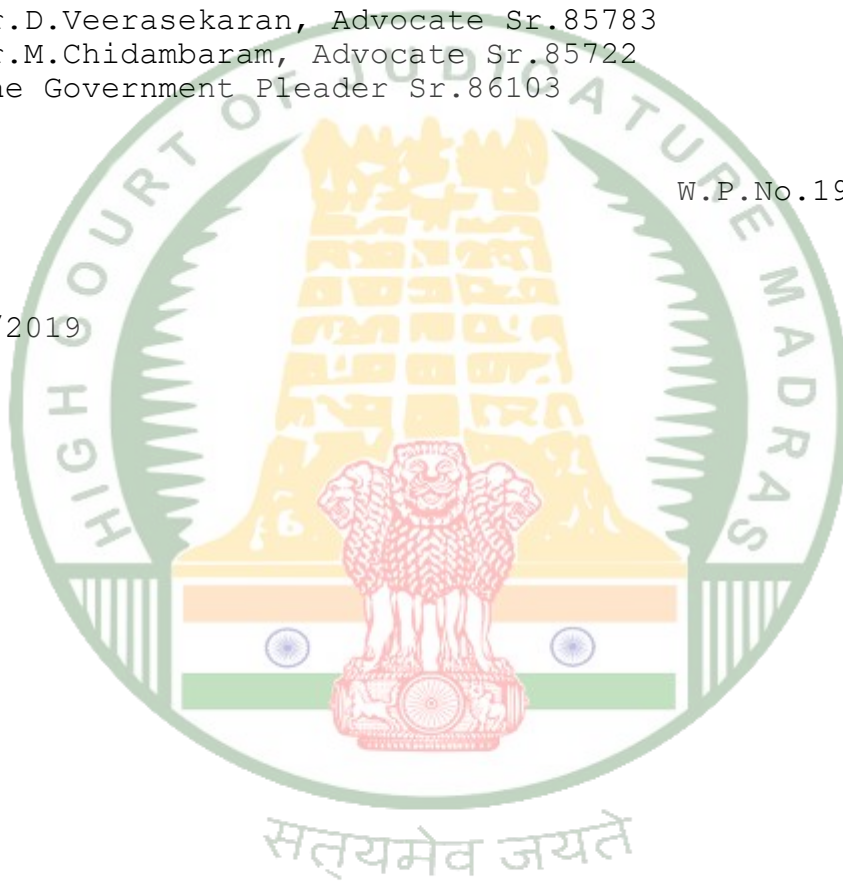
+1cc to Mr.D.Veerasekaran, Advocate Sr.85783

+1cc to Mr.M.Chidambaram, Advocate Sr.85722

+1cc to the Government Pleader Sr.86103

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srg 08/11/2019



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