

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.21244 of 2019

G.Narayanan

..Petitioner

vs

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

2.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd,
3/137 Salamedu,
Vazhuthareddy - Post,
Villupuram - 605 602.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar - House,
Pallavan Salai, Chennai - 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.6,495/-, Pension Commutation difference Amount of Rs.13,059/-, Salary Review Arrears amount of Rs.6,612/-, Pension Arrears of amount Rs.39,167/- the total comes to Rs.65,333/- (Sixty Five Thousand and Three Hundred Thirty Three rupees only) with 18% interest on delayed payment to the petitioner Checking Inspector who has retired from service on 30.09.2011.

For Petitioner : Mr.D.Veerasekaran

For Respondent 1 : Mr.R.S.Selvam
Government Advocate

For Respondents 2 & 3: Mr.Antony Arokiaraj
Standing Counsel
(Transport Corporation)

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.6,495/-, Pension Commutation difference Amount of Rs.13,059/-, Salary Review Arrears amount of Rs.6,612/-, Pension Arrears of amount Rs.39,167/- the total comes to Rs.65,333/- (Sixty Five Thousand and Three Hundred Thirty Three rupees only) with 18% interest on delayed payment to the petitioner Checking Inspector who has retired from service on 30.09.2011.

2. By consent of both the parties, the Writ Petition has been taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he joined the service of the respondent Corporation in the year 1981. After amalgamation of the Pattu Kotai Alazhagiri Transport Corporation Ltd with Thanthai Periyar Transport Corporation Ltd., the then Corporation was renamed as Tamil Nadu State Transport Corporation (Villupuram) Ltd. Thereafter, the petitioner was promoted as Checking Inspector in the year 2009. The State Government issued G.O.(Ms).No.61 dated 30.04.2015 for rectification of pay anomaly of Checking Inspectors and fixation of pay to Driving Instructors of State Transport undertakings. On 30.09.2011, the petitioner retired from service as Checking Inspector after completion of thirty years of service. The petitioner made representation to the 2nd respondent on 19.12.2018, requesting to settle the retirement benefits, earned leave surrender salary amount, pension commutation difference amount, salary review arrears and pension arrears amount. However, till date the said representation was not considered. Therefore, the present Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the 2nd respondent to consider the representation dated 19.12.2018 and dispose of the same on merits and in accordance with law within a reasonable time.

5. Heard the counsel and perused the records.

6. It is seen that the petitioner retired from service in the year 2011 and the representation requesting to settle the retirement benefits, earned leave surrender salary amount, pension commutation difference amount, salary review arrears and

pension arrears amount was made in the year 2018. The petitioner has now made the representation after a lapse of 7 years and there is no explanation for not taking steps to claiming the same. Therefore, I am not inclined to issue direction to the respondents to consider the representation made by the petitioner. The Writ Petition deserves to be dismissed.

7. Accordingly, the Writ Petition is dismissed on the grounds of laches. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

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Pallavan Salai, Chennai - 600 002.

+1 cc to M/s.D.Veerasekaran Advocate sr93260

+1 cc to M/s.A.Antony Arockiaraja Advocate sr92758

+1 cc to the Government Pleader sr93039

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