

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.27019 OF 2019

R.Yegasivanathan

... Petitioner

.vs.

1. Tamil Nadu State Transport Corporation,
(Coimbatore Division-I) Ltd.,
Coimbatore, Rep., by its Managing Director,
(Formerly known as Cheran Transport Corporation),
Coimbatore-641043.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore Division-I) Ltd.,
(Formerly known as Cheran Transport Corporation),
Coimbatore-641043.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or order, calling for the records pertaining to the order dated 07.03.2019 passed by the Second respondent herein vide Pa.No:1\L3\WP No.31274/2018\Vu.Me(Tho)\Tha.APoKa(Ko)\19 dated 07.03.2019 and quash the same and consequently direct the respondents to settle all terminal benefits like gratuity, provident fund and pension due to the petitioner by taking into account, the total period of petitioner's service from 16.07.1985 to 30.09.2018.

For Petitioner

: Mr.K.V.Shanmuganathan

For Respondents 1 & 2

: Mr.Kannan Kumar

ORDER

This Writ Petition has been filed seeking to call for the records pertaining to the order dated 07.03.2019 passed by the Second respondent herein vide Pa.No:1\L3\WP.No. 31274/2018\Vu.Me(Tho)\Tha.APoKa(Ko)\19 dated 07.03.2019 and quash the same and consequently direct the respondents to settle all terminal benefits like gratuity, provident fund and pension due to the petitioner by taking into account, the total period of petitioner's service from 16.07.1985 to 30.09.2018.

2. According to the petitioner he joined services of the respondent corporation on 04.08.1984 as Conductor. During his service he was discharged from the post on 19.11.1996 on medical grounds and subsequently he was taken back into the service on 29.04.1997 and provided with alternative employment as helper. After coming into force, the Persons with Disabilities Act, 1995, the Petitioner approached this Court in W.P.No.11776 of 2009 which was allowed on 09.11.2011 directing the respondent corporation to count the period of break in service which had occurred due to the discharge of the petitioner on medical grounds with effect from 19.01.1996 to 29.04.1997. The petitioner had attained the age of superannuation on 30.09.2018. On the same day, service certificate was issued to the respondent by wrongly mentioning the total length of service as if the petitioner joined corporation only on 08.05.1997 and retired from service on 30.09.2018. Aggrieved by the same, the petitioner made representation to the respondent on 30.10.2008 seeking to settle terminal benefits due and payable to him by taking total period of service from 16.07.1985 to 30.09.2008. Since the said representation was not considered, he filed Writ Petition in W.P.No.31274 of 2018 and direction for disposal of the representation was obtained. Pursuant to that the second respondent has passed the impugned order on 07.03.2019 rejecting the demand made by the petitioner. Hence this Writ Petition.

3. When the Writ Petition is taken up for consideration, learned counsel for the respondent would submit that during the pendency of the Writ Petition all the retirement benefits due and payable to the petitioner has been settled by the respondent on 19.09.2019 and produced copy of the statement containing the details of payment of retiral benefits to the petitioner which are extracted under:

Sl. No	Particulars	Amount in Rs.	Balance
1	Gratuity amount to be paid	607465	Nil
	Paid on 19.09.2019 vide Cheque No.077015 dt.26.08.2019	607465	
	Total	607465	
2	PF amount to be paid	497447	Nil
	Paid on 19.09.2019 vide cheque No.811078 dated 26.08.2019	497447	
	Total	497447	
3	EL Surrender amount to be paid	182104	Nil
	Paid on 19.09.2019 vide cheque No.962264 dated 26.08.2019	182104	
	Total	182104	
4	Total	12,87,016	

4. In view of the above, since the petitioner has been paid all the retiral benefits due and payable to him, nothing survives in the Writ Petition for further adjudication in regard to the settlement of retiral benefits. Therefore, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bkn

To

1. Tamil Nadu State Transport Corporation,
(Coimbatore Division-I) Ltd.,
Coimbatore, Rep., by its Managing Director,
(Formerly known as Cheran Transport Corporation),
Coimbatore-641043.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore Division-I) Ltd.,
(Formerly known as Cheran Transport Corporation),
Coimbatore-641043.

+1cc to Mr.K.V.Shanmuganathan, Advocate, S.R.No.82476
+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.82913

W.P.No.27019 of 2019

RSI (CO)
CS/11/12/2019



WEB COPY