

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 33011 of 2019

S.Chinnusamy

...Petitioner

vs

1.The Government of Tamil Nadu,
Rep. by the Secretary,
Transport Department, Secretariat,
St. George Fort, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road, Salem-636 007.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri-636 705.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar 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 settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, IRT, Labour Welfare Fund, EL and ML Surrender, Private affairs, DA arrears and other benefits with interest payable from the date of retirement based on the petitioner's representation dated 23.10.2019.

For Petitioner : Mr.M.Selvam

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

For Respondents 2 to 4 : Mr.R.K.Gandhi

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, IRT, Labour Welfare Fund, EL and ML Surrender, Private affairs, DA arrears and other benefits with interest payable from the date of retirement based on the petitioner's representation dated 23.10.2019.

2. The case of the petitioner is that he joined the service of the 2nd respondent Corporation in the year 1961 and retired from the service on 30.06.2019. At the time of retirement the petitioner was working as Deputy Manager (Commercial Corporation). After retirement of the petitioner, the retirement benefits like Provident Fund, Gratuity, Commutation, IRT, Labour Welfare Fund, EL and ML Surrender, Private affairs, DA arrears and other benefits were not settled to him. On 23.10.2019, the petitioner made a representation to the 2nd and 3rd respondents. However, till date the said representation was not considered. Therefore, the present Writ Petition has been filed.

3. Mr.R.K.Gandhi, learned counsel appearing for the respondent Corporation would submit that due to lack of fund, the respondent Corporation have not settled the terminal benefits. He would further submit that the respondent Corporation had sought assistance from the Government for periodical release of the funds. Hence, he prayed this Court to grant reasonable time for settling the terminal benefits in favour of the petitioner.

4. The learned counsel appearing for the petitioner agreed for the terms of settlement in installments as stated by the learned counsel for the respondent Corporation.

5. Considering the consent view expressed by the learned counsel for the petitioner as well as the respondent Corporation, I am inclined to issue direction to the 2nd respondent Corporation to disburse the terminal benefits to the petitioner in twelve equal monthly installments. Accordingly, the 2nd respondent Corporation is directed to disburse the amount to the petitioner in twelve equal monthly installments on or before the end of every month. The First of such installment shall be paid on or before 30.11.2019 and the last installment shall be paid on or before 31.10.2020.

6. The Writ Petition is disposed of with the above terms.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Government of Tamil Nadu,
Rep. by the Secretary,
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Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.R.K.Gandhi, Advocate Sr.98323
+1cc to Mr.M.Selvam, Advocate Sr.98607
+1cc to the Government Pleader Sr.98959

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mr[co]
srg 02/01/2020