

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32931 of 2019

A.JAYAKUMAR

STAFF NO. AM0165

...Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep by the Secretary Transport
Department, Secretariat,
Fort.st.George, Chennai-9.
 - 2 The Managing Director,
Tamil Nadu state Transport corporation
(Salem) Ltd, No 12 , Ramakrishnan Road,
Salem- 636007.
 - 3 The Geneal Manager,
Tamil Nadu state Transport Corporation,
(Salem) Ltd Dharmapuri region,
Bharathipuram, Dharmapuri- 636705.
 - 4 The Administrator ,
Tamil Nadu State Transport Corporation,
Employees Post, Retirement Welfare Fund
Scheme, Thiruvallur House,
Pallavan Salai, Chennai-2.
- ... 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 Petitioners retirement benefits including Provident Fund Gratuity Commutation IRT Labour Welfare Fund EL and ML EL surrender Pvt Affairs DA arrears and other benefits with Interest payable from the date of retirement based on the Petitioners representation dated 21.10.19.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.R.S.Selvam,
Government Advocate for R1

: Mr.R.K.Gandhi for R2to R4

O R D E R

- 1.The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the Respondents to settle the Petitioners retirement benefits including Provident Fund Gratuity Commutation IRT Labour Welfare Fund EL and ML EL surrender Pvt Affairs DA arrears and other benefits with Interest payable from the date of retirement based on the Petitioners representation dated 21.10.19.
- 2.Heard both sides.
- 3.The case of the petitioner is that he joined service of the second respondent Corporation as Assistant Engineer during the year 1988 and attained the age of Superannuation on 31.05.2019. At the time of his retirement, he was working as Deputy Manger in the third respondent Corporation. It is the case of the petitioner that despite his retirement on 31.05.2019, till date his retirement benefits including Provident Fund, Gratuity, Commutation IRT Labour Welfare Fund, EL and ML EL surrender Pvt Affairs, DA arrears and other benefits, have not been paid to him. It is the case of the petitioner that in spite of his repeated representations, the respondents have not taken any steps to settle his terminal benefits, to which he is entitled. Since, despite his representation, there was no action forthcoming from the respondents, the petitioner is before this Court.
- 4.The learned counsel for the petitioner would submit that since the petitioner is in dire financial crisis and urgently requires the amount since he has availed loans from other sources and if the retirement benefits are not paid, he will be put to great hardship, and though the petitioner made a representation on 21.10.2019, it is still kept pending. He would further submit that this Court in WP.Nos.17966 & 17967 of 2009 by order dated 18.09.2009 and in W.P.No.24192/2013 by order dated 10.06.2013 and in W.P.No.23403 of 2013 order dated 03.09.2013 directed the respondents to pay the entire retirement benefits with interest at 9% per annum within stipulated time and he would pray that similar order may be passed, to direct the respondents to consider the representation dated 21.10.2019 and dispose of the same made by the petitioner, in accordance with law.
- 5.The learned Government Advocate appearing for the respondent, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the respondents to consider the representation dated 21.10.2019, made by the petitioner and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1 The Secretary Transport,
Government of Tamil Nadu
Department, Secretariat,
Fort.st.George, Chennai-9.
- 2 The Managing Director,
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- 4 The Administrator ,
Tamil Nadu State Transport Corporation,
Employees Post, Retirement Welfare Fund
Scheme, Thiruvallur House,
Pallavan Salai, Chennai-2.

+1 cc to M/s.M.Selvam, Advocate Sr.No.98609
+1 cc to M/s.R.K.Gandhi, Advocate Sr.No. 98165
+1 cc to The Government Pleader Sr.No. 98439

AKM/18.12.19/3P-8C /

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