



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.6502 of 2018

WEB COPY

Sivalingam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Maruthupathy Nagar,
Karaikudi,
Sivagangai District - 630 307.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to pay retirement benefits to the petitioner by taking into consideration of his entire service period of 34 years from the date of his appointment on 27.01.1983 to his retirement on 31.01.2016 and pay pensionary benefits accordingly in view of his representation, dated 13.02.2018 within the time frame fixed by this Court.

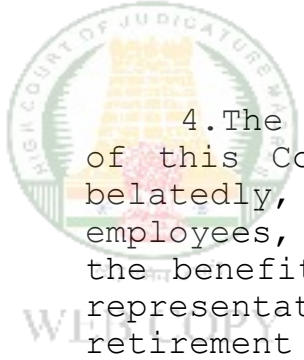
For Petitioner : Mr.SP.Vijay Nivas
For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to pay retirement benefits to the petitioner by taking into consideration of his entire service period of 34 years from the date of his appointment on 27.01.1983 to his retirement on 31.01.2016 and pay pensionary benefits, by considering his representation, dated 13.02.2018 within the time frame fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.The case of the petitioner is that earlier the petitioner filed a Writ Petition in W.P(MD)No.3994 of 2016 seeking for retirement benefits and this Court, by order, dated 26.02.2016, directed the respondents to pay the retirement benefits to the petitioner in 12 installments.



4.The grievance of the petitioner is that pursuant to the order of this Court, the respondents have paid the retirement benefits belatedly, but calculated his service as 31 years. But the employees, who had joined along with him in the service, enjoying the benefits for 34 years of service. Hence, the petitioner sent a representation, dated 13.02.2018 to the respondents to pay retirement and pensionary benefits by taking into consideration his entire service rendered to the respondents Corporation from the date of his appointment on 27.01.1983 and calculate total service period of 34 years. Since no response is forthcoming, the petitioner has filed the present Writ Petition.

5.The learned counsel appearing for the respondents submitted that the representation of the petitioner would be considered, if he is found eligible.

6.In such view of the matter, the respondents are directed to consider the representation of the petitioner, dated 13.02.2018, if he is found eligible, and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar(CS-IV)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Maruthupathy Nagar,
Karaikudi,
Sivagangai District - 630 307.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-50799[F] dated 01/03/2019)

W.P(MD)No.6502 of 2018