



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.03.2020
PRONOUNCED ON : 23.03.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.4894 of 2020

M.Venkatesalu

... Petitioner

Vs.

1.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai-600 002

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Earned Leave 240 days & Old Medical Leave 51 days, 15 days Leave Surrender in the year 2016 to 2019, Labour Welfare Scheme amount and IRT Share amount with interest at 12% per annum with effect from 01.11.2019 within the stipulated time as fixed by this Court.

For Petitioner :Mr.N.Desinghu

For Respondents :Mr.K.Moorthy, Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Earned Leave 240 days & Old Medical Leave 51 days, 15 days Leave Surrender in the year 2016 to 2019, Labour Welfare Scheme amount and IRT Share amount with interest at 12% per annum with effect from 01.11.2019 within the stipulated time as fixed by



this Court.

2. The case of the petitioner is that he joined the service of the Transport Corporation on 01.10.1988 as a Junior Assistant. Originally, he was appointed in the erstwhile Thiruvalluvar Transport Corporation (Chennai) Ltd. Thereafter, he was transferred to Metropolitan Transport Corporation (Chennai) Limited. On attaining the age of superannuation, the petitioner retired from service on 31.10.2019. At the time of retirement, the petitioner was serving as Senior Superintendent in the Head Office MACT section of the first respondent Corporation.

3. The grievance of the petitioner is that on his retirement, his terminal benefits which are admissible and due to him viz., Provident Fund, Gratuity, Commutation, Earned Leave, Old Medical Leave, Leave Surrender during 2016 to 2019, had not been settled and therefore, the petitioner has approached this Court seeking for issuance of a direction for settlement of his terminal benefits.

4. In response to the notice issued by this Court, Mr.K.Moorthy, the learned Standing Counsel entered appearance on behalf of the respondents.

5. The learned counsel appearing for the petitioner would submit that in respect of similar claim of the Transport employees, a learned Division Bench of this Court has directed the Transport Corporation to pay the dues payable to the retired employees in 12 equal monthly instalments with interest @ 6% p.a. Recently, a learned Single Judge of this Court, vide order dated 27.01.2020 in W.P.No.1435 of 2020, while following the directions of the learned Division Bench of this Court, has disposed of the Writ petition. The relevant portion of the order passed by the learned Single Judge of this Court as found in paragraph nos.4 to 6 is extracted hereunder:

4. A similar writ petition came to be filed before this Court seeking for a similar relief in WP(MD) No.23869 of 2019 and this Court has passed the following order :

3. According to the petitioners, they lastly worked as Special Grade Driver, Special grade driver, Special Grade Conductor and Special Grade Driver respectively in the respondent Transport Corporation and retired from service on 30.06.2018, 31.07.2018, 31.07.2018 and 31.01.2019. Their terminal benefits were settled on 31.08.2019 with a long delay. The grievance of the petitioners is that,



ordered by the learned Division Bench of this Court in the above referred Writ Appeal.

8. The Writ Petition is disposed of, accordingly. No costs.

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Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

dn/suk

To

- 1.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai-600 002
- 2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002

W.P.No.4894 of 2020

VBA (CO)
GN(01/07/2020)