

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35307 of 2019

G.Kannappan

Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishnan Salai,
Salem - 636 007.

2. The Additional Chief Secretary,
Transport Department,
St. George Fort
Secretariat, Chennai - 600 009.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the payments relating to 15 days Earned Leave Surrender for the year of 2009, 2010, 2011 & 2012 (totally 4 years) Labour Welfare Scheme, IRT Share Amount and all other retirement Benefits along with the entitled difference of dearness allowances, Commutation amount on par with 7th pay Commission & also, with interest at 12% per annum with effect from 01.04.2017 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For Respondents: Mr.D.Raghu
Standing Counsel

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to disburse certain terminal benefits which is due and payable to the petitioner with interest.

2.The case of the petitioner is that he joined the services of the respondent Corporation as Junior Assistant as early as in the year 1986. After, the formation of the State Transport Corporation under the control of the 1st respondent, the petitioner was also absorbed. The petitioner after putting in his services attained superannuation on 31.03.2017.

3.The grievance of the petitioner is that certain terminal benefits like the Earned leave, Labour Welfare Scheme amount, IRT Share amount and other retirement benefits have not been settled. In this regard, the petitioner had also given a representation to the respondents on 28.11.2019. In spite of the receipt of representation, since the claim of the petitioner was not considered, the present writ petition has been filed seeking for issuance of appropriate directions to the respondents.

4.The petitioner is placing his claim on the judgment of the Hon'ble Division Bench in W.A.No.(MD) Nos.383 to 457 of 2016 by order dated 12.06.2015 and also the judgment of the Hon'ble Apex Court in Dr.Uma Agarwal v. State of U.P., reported in (1999) 3 SCC 438 and S.K.Due v. State of Haryana reported in 2008 (3) SCC 44. According to the petitioner, he is also similarly placed and the petitioner claims that the respondent Corporation will have to settle towards retirement benefits a sum of Rs.1,16,803/- under the heads that have been stated supra.

5.Heard Mr.N.Desinghu, learned counsel appearing on behalf of the petitioner and Mr.D.Raghu, learned Standing counsel appearing on behalf of the respondents.

6.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner dated 28.11.2019 in line with the above judgments and pass appropriate orders strictly in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with the copy of the earlier representation dated 28.11.2019 and also a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

ssr

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishnan Salai,
Salem - 636 007.

2. The Additional Chief Secretary,
Transport Department,
St. George Fort
Secretariat, Chennai - 600 009.

+1cc to Mr.D.Raghu, Advocate SR.No.87

W.P No.35307 of 2019

BR(CO)
GMY(21/02/2020)



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