



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12564 of 2020

C.Shiva
Senior Superintendent (Retired)
1K/80, Pushpa Nagar, Millarpuram,
Tuticorin-8.

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.
2. The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Tirunelveli.
3. The Administrator,
Tamilnadu State Transport Corporation Employees,
Pension Fund Trust, Pallavan Salai,
Chennai-2.

... Respondents

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the Gratuity of Rs.12,72,018/-, Earned Leave Salary of Rs.5,36,384/-, Medical Leave Salary of Rs.1,47,506/- Arrears of Pension from the date of Retirement on 31.5.2019, Provident Fund, Employees Retirement Benefits, Scheme Benefits and also unpaid Surrender Leave Salary for the years from 2015 to 2019 surrendered from the petitioner every year along with interest at the rate of 18% p.a.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.R.Rajamohan
Standing Counsel

**ORDER**

The prayer sought for in this Writ Petition is for issuance of Writ of Mandamus, directing the respondents to settle the Gratuity of Rs.12,72,018/-, Earned Leave Salary of Rs.5,36,384/-, Medical Leave Salary of Rs.1,47,506/-, arrears of Pension from the date of Retirement on 31.5.2019, Provident Fund, Employees Retirement Benefit, Scheme Benefits and also unpaid Surrender Leave Salary for the years from 2015 to 2019 surrendered from the petitioner every year along with interest at the rate of 18% p.a.

2.The petitioner was served for long years as Senior Superintendent at the respondent Transport Corporation and he retired from service on superannuation on 31.05.2019. Though the petitioner was retired on the said date, after his retirement, sofar, the retiral benefits like Gratuity, Earned Leave Salary, Medical Leave Salary, Arrears of Pension, Provident Fund, Employees Retirement Benefits, etc., have not been paid to the petitioner.

3.In this regard, the petitioner has sent a representation on 10.06.2019 and a legal notice on 08.07.2019 to the respondents. Despite the same, the said benefits have not sofar been disbursed. Therefore, the petitioner is before this Court, where the learned counsel for the petitioner seek indulgence of this Court to issue a suitable direction to the respondents.

4.Heard Mr.R.Rajamohan, learned Standing Counsel for the respondents, who would submit that, the said retiral benefits as has been claimed by the petitioner through his representation dated 10.06.2019, would be considered and accordingly the same, after being calculated, will be disbursed to the petitioner within the time that may be stipulated by this Court.

5.Heard the submissions of the learned counsel for petitioner and the learned Standing Counsel for the respondents.

6.Taking into account of the innocuous prayer sought for by the petitioner, this writ petition is disposed with the following direction :

"that the respondent Transport Corporation shall consider the representation of the petitioner dated 10.06.2019 and accordingly decide and quantify the retirement benefits payable to the petitioner under various heads and disburse the amount in twelve (12) equal monthly installments and the first installment shall commence from the month of December, 2020."



7. With this direction, this Writ Petition is disposed of. However, there is no orders as to costs.

Sd/-

Assistant Registrar (CO)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.
2. The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Tirunelveli.
3. The Administrator,
Tamilnadu State Transport Corporation Employees,
Pension Fund Trust, Pallavan Salai,
Chennai-2.

+1cc to Mr.R.RAJAMOHAN, Advocate in SR.No.18193

W.P. (MD)No.12564 of 2020
24.09.2020

pnn

AE/ (05/01/2021) 3P / 5C