



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6429 of 2022

P.Francis Xavier

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Salem) Limited,  
No.12, Ramakrishna Road,  
Salem - 636 007.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Limited,  
Bharathipuram, Salem Main Road,  
Dharmapuri - 636 007.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to settle the retirement benefits viz., (i) Social Welfare Fund (ii) Earned Leave already surrendered but amount not yet to be paid for 30 days (iii) Contribution towards Institute of Road Transport Technology (iv) Employees Retirement Benefits Fund along with interest at the rate of 6% per annum and interest at the rate of 6% per annum to the delayed payment of Gratuity, Commutation, Employees Provident Fund and Earned Leave salary from the date of petitioner retirement to till the date of payment to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.D.Venkatachalam  
Standing Counsel

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. This writ petition has been filed seeking to issue a Writ of Mandamus to direct the respondent to settle the retirement benefits viz., (i) Social Welfare Fund (ii) Earned Leave already surrendered but amount not yet to be paid for 30 days (iii) Contribution towards Institute of Road Transport Technology (iv) Employees Retirement Benefits Fund along with interest at the rate of 6% per annum and interest at the rate of 6% per annum to the delayed payment of Gratuity, Commutation, Employees Provident Fund and Earned Leave salary from the date of petitioner retirement to till the date of payment to the petitioner within the time stipulated by this Court.

3. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

4. The petitioner was working as Conductor under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 30.06.2018 as Selection Grade Senior Conductor. The respondent have not settled the amount towards 30 days of encashment of Earned Leave surrendered by the petitioner, Social Welfare fund, contribution towards Institute of Road Transport Technology and Employees Retirement Benefits funds. Hence, he made a representation on 03.03.2022, but the respondent did not considered it. The petitioner is entitled for the aforesaid amount along with interest. Hence, this writ petition has been filed.

5. The learned Standing Counsel appearing for the respondent submitted that, if the representation of the petitioner is pending, the same will be considered and appropriate orders will be passed by the respondent Corporation on its own merits, in accordance with law.

6. In view of the above submissions, this Court is inclined to direct the respondent to consider the representation of the petitioner dated 03.03.2022 and pass appropriate orders on its own merits and 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 direction, the writ petition stands disposed of at the admission stage itself. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//



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To

WEB COPY

- 1.The Managing Director,  
Tamil Nadu State Transport Corporation (Salem) Limited,  
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Salem - 636 007.
- 2.The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Limited,  
Bharathipuram, Salem Main Road,  
Dharmapuri - 636 007.

+1cc to Mr.T.Ananthasekar, Advocate SR. No. 18987  
+1cc to Mr.D.Venkatachalam, Advocate SR. No.19566

W.P.No.6429 of 2022

PMK (CO)  
PR (07/04/2022)