



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.20942 of 2018

C.Paramasivam

...Petitioner

/Vs./

1.The State of Tamil Nadu
rep.by its Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.

2.The Chairman cum Secretary to Government
State Transport Undertakings of Tamil Nadu,
Secretariat,
Chennai-600 009.

3.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
New Railway Feeder Road,
Kumbakonam.

4.The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan Salai,
Chennai-600 002.

...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 disburse all the retirement benefits of the petitioner including Gratuity and leave salary in conformity with the order of the first respondent vide G.O.(2D).No.8, Transport (D2) Department dated 28.06.2013 along with the accrued interest thereon within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar for M/S.Ajmal Associates

For Respondents : Mr.D.Sadiq Raja,

Additional Government Pleader for R1

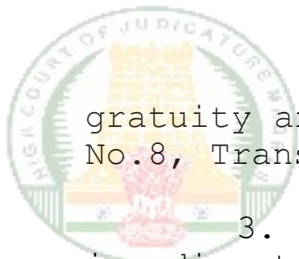
Mr.D.Sivaraman for RR2 to 4

O R D E R

Heard Mr.C.Venkatesh Kumar, learned counsel appearing for petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for R1 and Mr.D.Sivaraman, learned counsel appearing for Transport Corporation.

2. A Mandamus is sought directing the respondents to disburse the retirement benefits of the petitioner including

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gratuity and leave salary in line with the order of R1 in G.O.(2D). No.8, Transport (D2) Department, dated 28.06.2013.

3. The Petitioner superannuated on 30.06.2013. There was no impediment to the petitioner's retirement. Post retirement, he was in receipt of charge memo dated 04.05.2013, which he challenged by way of a writ petition. However, though he was unsuccessful initially, he succeeded before a Division Bench of this Court in W.A.(MD).No.159 of 2019 on 19.01.2021.

4. Thus, as on date, Mr.D.Sivaraman, learned counsel for the Transport Corporation would concur on the position that there is no huddle for grant of retirement benefits in conformity with the Government Order aforesaid. He is in possession of written instructions to state the outstandings have been computed in the case of the petitioner and approval is awaited from the Government for disbursal which he states will be received within a week from today.

5. Recording the aforesaid, the respondents are directed to pay over retirement benefits with interest, as directed by the Division Bench of this Court in order dated 19.01.2021, to the petitioner, within a period of six weeks from the date of receipt of the approval from the State.

6. This Writ Petition stands disposed as above. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

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 Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.



2.The Chairman cum Secretary to Government
State Transport Undertakings of Tamil Nadu,
Secretariat,
Chennai-600 009.

3.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
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4.The Managing Director,
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Pallavan Salai,
Chennai-600 002.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1595[F] dated
12/01/2022)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-1577[F] dated 12/01/2022)

+1 CC to M/s.SPL.GP (SR-1709[F] dated 19/01/2022)

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RK(31.01.2022) 3P 8C