



W.P.No.30348 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2023

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30348 of 2019

P.Pachaiappan

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram

2. The General Manager,
Tamilnadu State Transport Corporation Limited,
Tiruvannamalai Division,
Collector's Office campus
Byepass Road, Vengikal Village and Post,
Tiruvannamalai

3. The Government of Tamilnadu rep by its
Secretary, Transport Department,
Fort St., George,
Chennai – 600 009

...Respondents

Writ Petition has been filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 14.05.2019 and sanction the pay and retirement benefits and other service benefits referred to in the representation dated 14.05.2019 with 18% interest per annum for the belated payment of retirement benefits.



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For Petitioner : Mr.Sadasharam

For Respondents : Mr.M.Aswin for R1 and R2
Mr.L.S.M.Hasan Fizal for R3
Additional Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 14.05.2019 and sanction the pay and retirement benefits and other service benefits referred to in the representation dated 14.05.2019 with 18% interest per annum for the belated payment of retirement benefits.

2. The brief facts of the case are as follows:-

(i) The petitioner, who was employed as Senior Security Guard in Vandavasi Division Depot No.2, retired from service with effect from 28.02.2013 on superannuation. Since the retirement benefits had not been completely settled, the petitioner made a representation on 02.11.2015 claiming retirement benefits and thereafter, the petitioner filed a case in W.P.No.19829 of 2016, which was disposed of by order dated 13.06.2016, which clubbed with other writ petitions and thereby the respondent / corporation officials were directed to pay the retirement benefits by monthly

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instalments in the light of the common judgment passed by the Hon'ble Division Bench of this Court in W.A.No.383 to 457 of 2015.

(ii) The above said direction of this Court has been partly complied with and since the balance retirement benefits were not paid, the petitioner filed a case in Cont.P.No.2818 of 2016, in which the respondents filed a calculation memo stating that the order passed by this Court has been complied with without making the payment of balance amount due towards retirement benefits to the petitioner and the contempt application referring to the calculation memo was closed on 11.04.2019 and thereafter, the petitioner made a representation on 14.05.2019 claiming settlement of retirement benefits but the same was not considered. Hence a legal notice was issued on 21.08.2019 and even after the same, the retirement benefits were not paid to the petitioner, hence this petition.

3. The learned counsel for the petitioner would submit that failure on the part of the respondents / corporation to settle the retirement benefits of the petitioner and other service benefits as referred in his representation dated 14.05.2019, is totally arbitrary and in violation of Articles 14 and 16 of the Constitution of India, thereby pleaded to allow the present Writ Petition.



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4. The learned counsel as well as the learned Additional Government Pleader appearing on behalf of the respondents submits that the case of the petitioner will be considered strictly in accordance with law. Further, the petitioner has claimed interest at the rate of 18%, which is on the higher side, if the petitioners are found eligible, appropriate orders will be passed within a time to be fixed by this Court.

5. Considering the above said facts and circumstances of the case without going into the merits of the matter and taking note of the submission made on behalf of the respondents, there shall be a direction to the respondents to consider the representation of the petitioner dated 14.05.2019 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, if there is no legal impediment.

In view of the above, the present Writ Petition is disposed of. No costs.

18.12.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
ssd



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To

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Villupuram
2. The General Manager,
Tamilnadu State Transport Corporation Limited,
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V.BHAVANI SUBBAROYAN, J.,

ssd

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