



WEB COPY



W.P.No. 6286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6286 of 2024

N.Rajendran

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Petitioner

Vs

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

2. The Chief Financial Controller/Audit Officer,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employee Pension Fund Trust,
Pallavan Salai,
Chennai – 600 002.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to disburse the petitioner the retiral benefit for his service which includes Provident Fund, Gratuity, Commutation Leave Encashment (Earned Leave & Old



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Medical Leave), Leave Surrender, ERBS Pension and all other retirement benefits by calculating D.A.eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 28.02.2015 and to consequently direct the respondent to pay arrears of pension for the period from 28.02.2015 till this date and also to pay the monthly pension forthwith every month along with backwages payable for the non-payment period within the stipulated time as may be fixed by this Court.

For Petitioner	: Mr.P.Paramasiva Doss
For R1 & R2	: Mr.K.Raja
	Standing Counsel
For R3	: Mr.C.S.K.Sathish

ORDER

This Writ Petition has been filed for a direction directing the respondents to disburse the petitioner's retirement benefits, such as Provident Fund, Gratuity, Commutation Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender, ERBS Pension and all other retirement benefits with applicable interest.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner joined as a Driver in the respondent Corporation on 17.07.1985. While being so, he was issued with a charge memo alleging



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that he met with an accident, due to which one person died. After receipt of the explanation submitted by the petitioner, without being satisfied with the explanation, the respondent had instituted a departmental enquiry. On the basis of the enquiry report, the petitioner was dismissed from service on 22.06.1996. Aggrieved by the same, the petitioner raised an Industrial Dispute in I.D.No.627 of 2001 on the file of the Labour Court, Salem. The Labour Court, Salem, by setting aside the order of punishment, directed the respondents to reinstate the petitioner with continuity of service by an award dated 10.11.2003. It was challenged by the respondents before this Court in W.P.No.8265 of 2005 and this Court, by an order dated 01.09.2017, disposed of the writ petition and the respondents were directed to pay all the retirement benefits on superannuation and also directed the respondents to pay last drawn wages from the date of award till date and continue to pay last drawn wage, provided the petitioner files an affidavit of non-employment. However, so far, the award passed by the Labour Court, Salem, has not been complied with. Therefore, the petitioner submitted several representations and the same were not considered by the respondents. Hence, the present writ petition.



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4. Considering the facts and circumstances of the case, the respondents are directed to disburse the terminal benefits of the petitioner and other service attendant benefits with applicable interest forthwith. The petitioner had attained the age of superannuation and as such, the reinstatement into service does not arise.

5. With the above direction, this Writ Petition stands allowed. No costs.

12.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

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G.K.ILANTHIRAIYAN, J.

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