

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2015

Coram:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.41008 of 2015

D.Elumalai

... Petitioner

vs.

1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602.

2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to settle the petitioner's retirement benefits of gratuity and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently direct the respondents to pay interest at the rate of 12 per annum for the belated settlement of retirement benefits including the commuted value of pension, social security scheme arrears, Provident Fund, refund of Institute of road transport arrears etc., to the petitioner payable from the date of retirement i.e., 31.10.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam

For respondents : Mr.S.Sairaman

ORDER

Seeking a direction to the respondents to settle the petitioner's retirement benefits of gratuity and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently to direct the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits including the commuted value of pension, social security scheme arrears, Provident Fund, refund of Institute of road transport arrears etc., to the petitioner, payable from the date of retirement i.e., 31.10.2013 to till date of actual payment, this writ petition has been filed.

2. According to the petitioner, he joined the service in the Thanthai Periyar Corporation Ltd., Kancheepuram Region, Villupuram on 05.09.1981 as a Draughtsman and he retired from service on 31.01.2013. At the time of retirement, he was working as a Senior Draughtsman in the second respondent Corporation and he was paid only Rs.2,00,000/- [Rupees two lakhs only] towards Provident Fund and balance terminal benefits were not settled by the respondents. Therefore, he made representations on 20.04.2015 and 22.12.2015 seeking terminal benefits. Since no order was passed, the present writ petition is filed.

3. The learned counsel for the petitioner has drawn the attention of this Court to a common judgment dated 12.06.2015 made in W.A.(MD).Nos.383 to 457 of 2015 and would submit that in similar facts and circumstances, the respondent Corporation undertook to pay the amount due and payable in 12 equal monthly instalments and hence, similar orders may be passed.

4. Heard Mr.M.Selvam, learned counsel appearing for the petitioner and Mr.S.Sairaman, learned counsel appearing for the respondents.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the petitioner's representations dated 20.04.2015 and 22.12.2015, directs the second respondent to consider and dispose of the petitioner's representations 20.04.2015 and 22.12.2015, on merits and in accordance with law and after taking note of the common judgment dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 2015, pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gms

To

1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
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Villupuram 605 602.

2.The General Manager
Tamil Nadu State Transport
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Kancheepuram Region
Kancheepuram.

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Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002.

+1 CC to MR.M.Selvam Advocate. SR.NO. 69769
+1 CC to MR.S.sairaman Advocate. SR.NO.69752

सत्यमेव जयते

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CO-KSJ
JD 30/12/2015

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