



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

**THE HONOURABLE DR. JUSTICE S.TAMILVANAN**  
**and**  
**THE HONOURABLE MR. JUSTICE V.S.RAVI**

W.A. (MD) No.233 of 2015

P.Chidambaram

... Appellant

Vs.

- 1.The Managing Director,  
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Bye pass road,  
Madurai 10.
  - 2.The General Manager,  
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul Region,  
Dindigul.
  - 3.The Administrator,  
The Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai 600 002.
- ... Respondents

**PRAYER:** The Writ Appeal is filed under Clause 15 of Letters Patent, against the order dated 18.12.2014 passed in W.P.(MD) No.20686 of 2014 by the Learned Single Judge.

**Prayer in WP(MD). 20686/ 2014:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus (i) directing the respondents to settle the petitioner s retirement benefits including Leave Salary, Gratuity, Post Retirement benefit scheme arrears, Dearness Allowance arrears 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 (ii) further directing the respondents to pay interest at the rate of 12%per annum for the belated settlement of retirement benefits such as provident fund, the commuted value of pension, the refund of Institute of Road Transport contribution arrears etc. to the petitioner payable from the date of retirement i.e. 31.08.2014 to till the date of actual payment to the petitioner.



For Appellant : Mr.A.Rahul

For Respondents : Mr.A.Jeyaram

**JUDGMENT**

WEB COPY

**(Judgment of this Court was delivered by S.TAMILVANAN,J.)**

The Writ Appeal is filed against the order dated 18.12.2014 passed in W.P.(MD)No.20686 of 2014 by the Learned Single Judge.

2.Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents.

3.Though the Learned Single Judge in a batch of Writ petitions in W.P.(MD)Nos.17319 of 2014 etc., by an order dated 18.12.2014 held that the appellant / petitioner and other similarly placed retired employees are entitled to get the retirement benefits with interest at 6% p.a., no specific time limit was fixed by the Learned Single Judge. Aggrieved by which, the appellant herein has preferred this Writ Appeal seeking an order to fix a specific time limit, since the appellant, who is a retired employee, is suffering without money for the past two years.

4.Learned standing counsel appearing for the respondents / Transport Corporation submitted that the Transport Corporation is suffering without any funds and the Transport Corporation could pay the amount only as per seniority and he is also referred Article 14 of the Constitution of India.

5.The respondents Transport Corporation cannot take a defence under Article 14 in causing delay. Hence, the aforesaid argument is unreasonable and the same is unsustainable in law. We cannot appreciate this type of unreasonable reasons on behalf of the respondents / Transport Corporation.

6.As per the decision of the Learned Single Judge, the appellant, a retired employee of the Transport Corporation is entitled to get the retirement benefits, which is not in dispute. Merely, because there is loss incurred by the respondents / Transport Corporation or insufficient funds, they cannot protract and deny the legitimate right of the appellant herein. As the amount is payable to the retired employee the Court cannot forget that it must be paid atleast during the life time of the employee. Here we are of the view that the argument of the learned standing counsel appearing for the respondents is neither legal nor reasonable.



7. Having considered the order passed by the Learned Single Judge and also considering the facts and circumstances of the case, we find it just and reasonable to direct the respondents / Transport Corporation to pay the amount due and payable to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,  
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Byepass road, Madurai 10.
2. The General Manager,  
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul Region, Dindigul.
3. The Administrator,  
The Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar House, Pallavan Salai, Chennai 600 002.

+1cc to Mr. A. Jeyaram, Advocate, in SR. No. 15002/15.

+1cc to Mr. A. Rahul, Advocate, in SR. No. 14948/15.

W.A. (MD) No. 233 of 2015  
26.03.2015

nbj

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