



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.A. (MD) .No.312 of 2015 &
M.P. (MD) .No.1 of 2015

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
New Railway Station Road,
Kumbakonam,
Thanjavur District.
2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.
3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002. .. Appellants

versus

S.Baskaran . . Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 26.11.2013 in W.P. (MD).No.18972 of 2013.

Prayer in WP(MD). 18972/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, grade pay, review etc. with interest at the rate of not less than 10% from the date when the same became due i.e. from 29.2.2012 till the date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Appellant : Mr.D.Sivaraman

For respondents : Mr.B.Santhanam Rajesh Kumar

**JUDGMENT**

(Judgment of the Court was made by **S.MANIKUMAR, J.**)

The grievance of the Writ Petitioner/respondent herein, is that though he retired from service on 29.02.2012, Transport Corporation has not paid the retirement benefits. He sought for a Mandamus directing the appellants/respondents therein to settle the retirement benefits with interest, at the rate of not less than 10% per annum from the date of actual payment.

2. After hearing the learned counsel for the Tamil Nadu State Transport Corporation Limited, vide order dated 26.11.2013 in W.P.(MD).No.18972 of 2013, a learned single Judge of this Court, passed the following order:-

"5. The retirement benefits of the retired employee are his property. The respondents have got no right to withhold the same. It may be true that the respondents are in financial constraints. But, that cannot be a ground either to deny to pay or to delay the payment of retirement benefits of the retired employees. I repeat that the respondents have got no authority to withhold the amount due to the petitioners.

6. In view of the above, these writ petitions are allowed with a direction to the respondents to settle all the terminal benefits of the petitioners with interest at the rate of 6% per annum, within a period of three months from the date of receipt of a copy of this order, provided there is no other legal impediments. No costs."

3. Learned counsel appearing for the appellants submitted that the retirement amount will be disbursed within one month. The submission of the learned counsel for the appellants is placed on record.

4. A perusal of the supporting affidavit filed to condone the delay of 273 days in filing the appeal shows that the Transport Corporation does not deny the entitlement of the retired employees for grant of terminal benefits. The only reason assigned is financial crisis, which this Court is not inclined to accept. An employee is entitled to retirement benefits no sooner he retires. Delay in disbursement of terminal benefits citing financial crisis, in our view the making of the Transport Corporation.

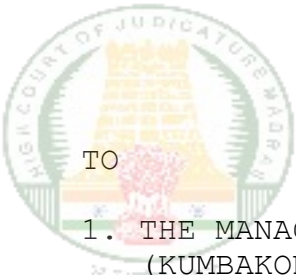
5. Except the above reason, no valid grounds are made in the Writ Appeal, to set aside the impugned order. While dismissing the Writ Appeal, we direct the appellants to disburse the benefits to the writ petitioner as ordered by the Writ Court, within one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar



TO

1. THE MANAGING DIRECTOR TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD., NEW RAILWAY STATION ROAD, KUMBAKONAM,
THANJAVUR DISTRICT

2. THE GENERAL MANAGER TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LTD., KARAİKUDI REGION, KARAİKUDI

3. THE ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT CORPORATION PENSION FUND TRUST,
THIRUVALLUVAR HOUSE, PALLAVAN SALAI, CHENNAI-600 002

+1CC TO MR.B.SANTHANAM RAJESHKUMAR, ADVOCATE SR.NO.19145

W.A.(MD).No.312 of 2015 &
M.P.(MD).No.1 of 2015
10/04/2015

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