



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21975 of 2016

S.Krishnamoorthy

... Petitioner

vs.

- 1) The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road, Madurai-625016.
 - 2) Financial Advisor & Chief Accounts Officer,
The Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625016.
 - 3) The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to pay the terminal benefits amount payable to the petitioner including Provident Fund, Gratuity, Commuted Value of Pension, Unavailed Leave Salary, Service Surrender Leave salary and Dearness Allowance arrears together with 18% interest from the date of his retirement i.e. 29.02.2016 to till the date of payment and all other attendant benefits to the petitioner within the stipulated period.

For Petitioner	: Mr.A.Rahul
For R1 & R2	: Mr.A.Jayaram
For R3	: Mr.A.P.Muthupandian

ORDER

This Writ of Mandamus has been filed, seeking a direction to the respondents to pay the terminal benefits payable to the petitioner with interest @ 18%, from the date of his retirement on 29.02.2016 to till the date of payment.

2. The learned counsel for the petitioner would submit that the petitioner's wife is suffering from Cancer and therefore, without granting the usual order of granting direction to the respondents,



to disburse the retirement benefits in 12 installments, some lenient view may be taken and there must be an order for immediate payment of all the retirement benefits.

3. It is pointed out by the learned counsel for the petitioner that already Rs.8,00,000/- has been spent, by the petitioner, towards for the treatment of Cancer and therefore, there should be some special consideration, considering the pathetic position, in which, the petitioner's wife is placed.

4. It is pointed out by the learned standing counsel for the respondents 1 and 2, that it is not as if the petitioner has already spent Rs.8,00,000/- towards the treatment expenses of his wife, but it is only an estimation and not the actual expenditure.

5. Be that as it may, the fact remains that now-a-days, the treatment of Cancer in a private hospital, is normally expensive, and it is to be spent till the petitioner's wife is cured of. Therefore, it is a fit case, where some concession has to be shown. Under the stated circumstances, the respondents are directed to disburse all the retirement benefits of the petitioner, within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

+1cc to M/s.A.K.Thangavelu, Advocate, in SR No.69918.

W.P(MD)No.21975 of 2016
17.11.2016

nbi
msm/ss3/ar/21.11.16/p2/2c