



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) .No.5917 of 2016

and

W.M.P (MD) No.5248 of 2016

V.Arumugasamy

.. Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road,
Madurai.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye Pass Road,
Madurai.
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to settle all the petitioner's terminal benefits including his monthly pension from the date of superannuation, his gratuity, commutation, leave salary, Social Security Amount, Refund amount from Institute of Road Transport and other attendant benefits together with interest at the rate of 18% per annum payable from the date of the petitioner's retirement to till the date on which the above benefits are settled to him.

For Petitioner

: Mr. A.Rahul

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents

: No Appearance

**ORDER**

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to settle all the petitioner's terminal benefits including his monthly pension from the date of superannuation, his gratuity, commutation, leave salary, Social Security Amount, Refund amount from Institute of Road Transport and other attendant benefits together with interest at the rate of 18% per annum payable from the date of the petitioner's retirement to till the date on which the above benefits are settled to him.

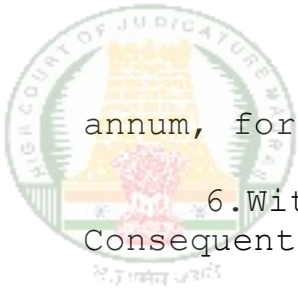
2. The brief facts that are set out in the affidavit filed in support of this Writ Petition are as follows:

2.1. The petitioner was working as a Conductor in the first respondent Transport Corporation with effect from 05.02.1985. However, he was dismissed from service by an order dated 13.03.1992. The petitioner has challenged the order of dismissal by raising an Industrial Dispute in I.D.No.267/2001 before the Labour Court, Madurai. The Labour Court, Madurai, directed reinstatement of the petitioner with continuity of service, however, without back wages. Though the respondent management filed W.P.(MD)No.13418 of 2010, this Court dismissed the Writ Petition by an order dated 21.02.2014, confirming the award of the Labour Court. Though the award has become final and the petitioner also attained the age of superannuation on 31.08.2014, the petitioner's terminal benefits have not been settled till date. It was, therefore, the petitioner is constrained to file this Writ Petition.

3. Despite notice to the respondents and name of the Standing Counsel being printed in the cause list, there is no representation for the respondents.

4. The learned Counsel for the petitioner submitted that the petitioner is not given any retirement benefits and hence, the Writ Petition may be allowed with a direction to the respondents to disburse the terminal benefits of the petitioner, within the time stipulated by this Court.

5. Considering the fact that the petitioner is yet to receive pension despite his retirement about two and a half years back, the first respondent is directed to settle all the terminal benefits of the petitioner, including his monthly pension from the date of superannuation, his gratuity, commutation, leave salary, social security amount and other monetary benefits with interest at the rate of 6% per annum, for the delayed payment within a period of eight weeks from the date of receipt of copy of this order. respondent Nos. 1 and 3 fail to disburse the amount pursuant to this order, it is made clear that the respondents are liable to pay interest at the rate of 18% per



annum, for any further delay.

6. With above directions, this Writ Petition is disposed of. Consequently, connected W.M.P(MD) No.5248 of 2016 is closed.

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Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road,
Madurai.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Bye Pass Road,
Madurai.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 50812

SRM/RM

TE/JC : 19/04/2017 : 3P/4C

ORDER MADE IN
W.P. (MD) .No.5917 of 2016 and
W.M.P (MD) No.5248 of 2016
06.04.2017