



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2013

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THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

W.P. (MD) No.17302 of 2013

WEB COPY

R. Rajarathinam

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
New Railway Station Road,
Kumbakonam, Thanjavur District.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3. The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, commutation, pension etc., with interest at the rate of not less than 10% from the date when the same became due ie., from 31.01.2013 till the date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr. A. Rahul

For Respondents : Mr. K. Sathiya Singh

ORDER

The petitioner is a retired Checking Inspector from the Tamil Nadu State Transport Corporation (Kumbakonam) Limited. He retired from service on 31.01.2013. His grievance is that his terminal benefits have not been so far paid by the respondents. In this regard, the petitioner has made a representation also. But, so far the amounts were not settled. Therefore, the petitioner is before this Court with this writ petition, seeking appropriate direction.

2. Mr. K. Sathiya Singh, learned counsel, taking notice for the respondents, would submit that the Transport Corporation is in financial constraints. The respondents have approached the Government for financial assistance. Therefore, for the retired employees, the Corporation is maintaining a seniority list and based on the seniority of the employees, in the manner, the retirement benefits are given. In the case of the petitioner, according to the learned counsel, in due course, subject to the availability of the sufficient funds, money will be paid.



3.The learned counsel for the petitioner would, however, submit that it is not proper for the respondents to deny to pay the retirement benefits. The petitioner is in sincere need of money to the cause of family requirements.

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4.I have considered the above submissions.

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 petitioner.

6.In view of the above, this writ petition is allowed with a direction to the respondents to settle all the terminal benefits of the petitioner 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 are no other legal impediments. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam, Thanjavur District.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai.

+1cc to Mr.A.Rahul, Advocate SR.No.53153

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30.10.2013

KM

PA/14.11.2013/2P/5C