



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8463 of 2018

R.Elangovan

... Petitioner

-Vs-

1. The Management of Tamil Nadu,
State Transport Corporation
(Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai-10.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Dindigul Region, Bye-pass Road,
Madurai.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including monthly pension, Gratuity, Leave Salary and all other attendant benefits with interest at the rate of 18 % per annum from the date of retirement i.e. 31.03.2017 within a time frame as fixed by this Court.

For Petitioner
For Respondents

: Mr.J.Lawrance
: Mr.A.Jeyaram,
Standing Counsel for TNSTC

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including monthly pension, Gratuity, Leave Salary and all other attendant benefits with interest at the rate of 18 % per annum from the date of retirement i.e. 31.03.2017 within a time frame as fixed by this Court.



2. Heard Mr. J. Lawrance, learned counsel appearing for the petitioner and Mr. A. Jeyaram, learned Standing Counsel, who accepts notice on behalf of the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was working as Conductor at the respondents Corporation from the year 1992 onwards. While he was working, he was removed from service, against which, he raised an industrial dispute, which went in favour of the petitioner. According to the award of the Labour Court, the petitioner was directed to be reinstated without back wages, but with continuity of service. Pursuant to the said award of the Labour Court, the petitioner was reinstated on 10.08.2012 and after having worked for five years, he retired on 31.03.2017. Further, so far, his retirement benefits have not been disbursed. Therefore, the petitioner is before this Court.

5. Heard the learned Standing Counsel appearing for the respondents, who would submit that as against the award passed by the Labour Court directing the reinstatement of the petitioner, though the petitioner retired from service, a writ petition in W.P.(MD)No.5348 of 2011 was filed by the Management, which was also dismissed on 21.11.2017.

6. Be that as it may, pursuant to the Labour Court award, the petitioner was reinstated and thereafter, he worked for five years and also retired on superannuation. Therefore, the period of petitioner's work cannot be denied by the Management and also in the remaining period, the petitioner since has not worked, the Labour Court seems to have directed that the said period shall be taken into account for continuity of service. Therefore, the petitioner, at any rate, shall be entitled to seek for retirement benefits, taking into account the over all service. Therefore, there is no further impediment for the respondents to release the retirement benefits of the petitioner.

7. Since this kind of retirement benefits were not paid by the respondents, a number of writ petitions were filed before this Court, wherein, orders were passed by this Court, directing the respondent Corporation to pay the retirement benefits by way of monthly instalment basis.

8. In view of the above, this writ petition is disposed of with the following orders:-

<https://hcservices.ecourts.gov.in/hcservices> that the petitioner's retirement benefits shall be calculated and shall be paid to him by the respondent Corporation in 12 equal monthly



instalments and the first such instalment shall commence from the first day of June, 2018. It is made clear that if the said retirement benefits as directed above is not paid by way of instalments and even one monthly instalment is not paid, the due for the said month, which was not paid, would carry interest at the rate of 6 %."

No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Management of Tamil Nadu,
State Transport Corporation
(Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai-10.
2. The General Manager,
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Corporation (Madurai) Limited,
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Madurai.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+1cc to Mr.J.Lawrance, Advocate Sr.No.62021
Myr
MK/SV MMS/SAR 1/18.06.2018/3P/5C

W.P(MD)No.8463 of 2018
18.04.2018