



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.18641 of 2017

A.Paulraj

... Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its General Manager,
Virudhunagar.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pay the petitioner's terminal benefits namely E.P.F., Gratuity, Encashment of Leave, Social Security Scheme Benefit and etc., together with 16% interest p.a. and further directing the respondents to pay him pension benefits under TNSTCEPF rules, along with pension arrears from 01.06.2016, together with 16% interest p.a..

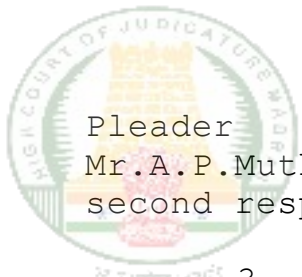
For Petitioner : Mr.S.Arunachalam

For R-1 : Mr.A.Jeyaraman
Additional Government Pleader

For R-2 : Mr.A.P.Muthupandian
Standing Counsel

O R D E R

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



Pleader appearing for the first respondent and Mr.A.P.Muthupandian, learned Standing Counsel appearing for the second respondent.

3. The writ petitioner was a retired employee of the Tamil Nadu State Transport Corporation (Madurai) Limited, Virudhunagar Region, Virudhunagar. He was working as a Conductor. He was dismissed from service on 18.08.1999. The writ petitioner raised an Industrial Dispute in I.D.No.97 of 2001 before the Labour Court. The Labour Court passed an award dated 27.08.2008, allowing the petition filed by the petitioner herein, but the Corporation did not reinstate the writ petitioner. Instead it filed W.P.(MD).No.4054 of 2009 but the writ petition was dismissed.

4. Challenging the same the Corporation filed W.A.(MD). No.1103 of 2015 and the writ appeal was also dismissed by the Division Bench of this Court on 10.08.2017. In the meanwhile the writ petitioner reached the age of superannuation on 31.05.2016.

5. The grievance of the writ petitioner is that he has not been disbursed with his terminal benefits namely Employees' Provident Fund, Gratuity, Encashment of Leave, Social Security Scheme benefit, extra. The respondents are not justified in withholding the benefits payable to the writ petitioner in view of the award passed by the Labour Court and the dismissal of the writ proceeding as well as writ appeal by this Court. Therefore, the Mandamus sought for by the writ petitioner deserves to be granted. This Court directs the first and second respondents to disburse the terminal benefits payable to the writ petitioner together with interest, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ petition is allowed, as indicated above. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its General Manager,
Virudhunagar.



2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

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+ 1 cc TO Mr.S.Arunachalam , Advocate in SR No. 43391

kmi

AE/SV MMS/SAR4/16.02.2018/3P/4C

W.P. (MD) No.18641 of 2017
22.01.2018