



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23774 of 2018

N.Udayakumar

.. Petitioner

Vs.

1. The General Manager,
The State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai - 2.

2. The Branch Manager,
The State Express Transport Corporation Ltd.,
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Employees Provident Fund and Monthly pension payable to him with reasonable rate of interest within the time stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

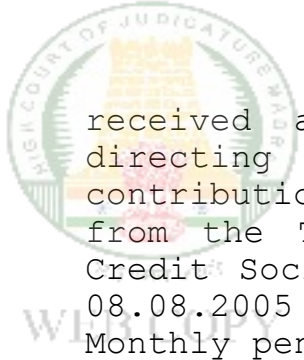
For Respondent : Mr.K.Sathyasingh

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Employees Provident Fund and Monthly pension payable to him with reasonable rate of interest within the time stipulated by this Court.

2.Mr.K.Sathyasingh, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that he joined the services of the first respondent Corporation as a driver from 1985 onwards and he was terminated by an order dated 06.06.2005. He states that an Industrial Dispute was raised, which was pending before the Joint Commissioner of Labour, Chennai and the respondent sought approval for his dismissal under Section 33(2)(b) of Industrial Disputes Act in Approval Application No.19/2005. In the meanwhile, the petitioner



received a letter dated 07.07.2005 from the first respondent directing him to pay Rs.2,527/- towards arrears of employee contribution to the Corporation and produce a no due certificate from the Transport Corporation Employees Cooperative Savings and Credit Society. Accordingly, the petitioner also sent a letter on 08.08.2005 requesting to sanction Employees Provident Fund and Monthly pension payable to him. Even though the respondents received the letter of the petitioner dated 08.08.2005, they have not settled the terminal benefits. Hence, the petitioner several representations and the last representation is on 06.08.2018. But they have failed to grant pension benefits and other benefits, which is in violation of Article 21 of the Constitution of India. Since no other remedy available to the petitioner, he has approached this Court by way of filing this writ petition.

4. Since the petitioner has not produced any materials, this Court is not in a position to decide whether the petitioner is entitled for the said benefits or not as per the claim of the petitioner. Hence, this Court directs the respondents to consider the representation of the petitioner dated 06.08.2018 after giving him an opportunity and pass appropriate orders on merits and in accordance with Law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The General Manager,
The State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai - 2.

2. The Branch Manager,
The State Express Transport Corporation Ltd.,
Madurai.

+ 1 CC TO Mr.G.M.XAVIER, ADVOCATE IN SR No. 97964
+ 1 CC TO Mr.K.SATHYA SINGH, ADVOCATE IN SR No. 98213

RJ2

TE/BK/SAR-4 : 26/12/2018 : 2P/5C