

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 31.08.2018****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 18969 of 2018**

G. Anbalagan

... Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. by its Managing Director, Trichy.

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner all his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leave, Social Security Scheme Benefit and etc., forthwith together with 18% interest per annum and further directing the respondents to pay him forthwith pension and commutation of pension, along with arrears of monthly pension from the month of June, 2018 under TNSTCE Pension Fund Rules, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr. S. Arunachalam

For Respondents : Mr. D. Sivaraman

O R D E R

The petitioner seeks to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner all his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leave, Social Security Scheme Benefit and etc., forthwith together with 18% interest per annum and further directing the respondents to pay him forthwith pension and commutation of pension, along with arrears of monthly pension from the month of June, 2018 under TNSTCE Pension Fund Rules, together with 18% interest per annum, within a time frame as may be fixed by this Court.

2. Mr. D. Sivaraman, the learned Standing Counsel takes notice for the respondents.

3. According to the petitioner there are no case pending against him and that only Writ Appeal is pending before this Court that has been filed by him challenging the order dated 22.10.2013 in W.P. (MD) No. 15512 of 2012. As there are no charge memo or any

other proceedings pending against him, he shall be entitled to the terminal benefits.

4. Mr.Sivaraman, the learned standing counsel appearing for the petitioner would submit that the petitioner was employed as driver and he was involved in a fatal accident and was placed under suspension and subsequently, which was revoked after a period of one month. However, he was asked to go for training, which was refused by him and he filed a writ petition in W.P.(MD) No.15512 of 2012 before this Court and this Court while granting the relief permitted the petitioner to pay a sum of Rs.550/- for attending the refresher course, which the petitioner did, but, however, insisted that he should be paid wages for the period of no work, since which was not due to his fault. While disposing of the Writ Petition, this Court has observed that it is for the petitioner to work out his remedy before the appropriate forum. The petitioner underwent training and thereafter retired from service.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. The aforesaid facts are not in dispute. Even assuming that the petitioner is going to face an adverse order, the benefits already availed has got to be paid to the petitioner, which cannot be deprived. As the issue with regard to the back wages alone is pending before this Court in Writ Appeal, the respondents are directed to release the terminal benefits to the petitioner in 12 equal monthly instalments. The first instalment shall commence by making payment on or before October, 2018 and the amount in each of the remaining instalments shall be paid on or before 10th of every succeeding month, excluding the disputed period, without prejudice to the contention of the both parties in the Writ Petition / Appeal. The terminal amount shall carry interest @ 6% per annum and in case of delay in making instalments, the interest payable could be 18% for the delayed period.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. by its Managing Director,
Trichy.



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

+1cc to Mr.S.Arunachalam, Advocate Sr.No.81752
+1cc to Mr.D.Sivaraman, Advocate Sr.No.81504

MPK

VB/RP/SAR4/16.10.2018/3P/5C

W.P. (MD) No.18969 of 2018
31.08.2018