



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7467 of 2019

G.Philip

... Petitioner

vs.

1.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 2.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
Nagercoil Region,
Nagercoil - 629 001.
Kanyakumari District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction and disburse the petitioners entire retirement benefits viz.Provident Fund, Gratuity and Commutation etc including monthly pension with interest for belated payment of retirement benefits to the petitioner.

For Petitioner	:	Mr.S.Xavier Rajini
For Respondents	:	Mr.K.Sathiya Singh Standing Counsel

ORDER

The Writ Petition is filed seeking a direction to the respondents to disburse the petitioner's entire retirement benefits within the stipulated time as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he initially joined as a Driver in the second respondent Corporation on 27.06.1989 and he attained superannuation on 31.05.2018. However, the respondents have not disbursed any amount towards his retirement benefits and



monthly pension. Hence, he made representations on 10.10.2018 and 09.01.2019 to the respondents. Since the same have not been considered so far, the petitioner is before this Court by filing this writ petition.

4. The learned Counsel appearing for the petitioner submitted that in view of the admitted position that the pension and gratuity are not boundities, but are the legal rights of the Government employees, the petitioner is entitled to all his retirement benefits. Hence, he seeks for appropriate direction to the respondents.

5. The learned Standing Counsel for the respondents submitted that the respondents would consider the representation of the petitioner and pass appropriate orders, on merits within a time frame to be determined by this Court.

6. Considering the nature of the relief as sought for by the petitioner, without expressing any opinion with regard to the merits of the case, the respondents are directed to consider and pass appropriate orders on the representation of the petitioner, dated 09.01.2019 with regard to the settlement of retirement benefits, on merits and in accordance with law, after due opportunity of personal hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

Ssl

To

1. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 2.



2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
Nagercoil Region,
Nagercoil - 629 001.
Kanyakumari District.

+1CC TO MR.S.XAVIER RAJINI, Advocate Sr. No.57877

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TR (29.04.2019) 3P 4C