

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.3666 of 2020

S. Jayakumar

... Petitioner

-Vs-

The Managing Directorate
Tamil Nadu State Transport Corporation
Coimbatore Limited
Coimbatore Division
No.37, Mettupalayam Road
Coimbatore 641 043

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other writ, or direction, directing the respondent to settle one time payments of the entire retirement benefits of the petitioner i.e. Gratuity sum of Rs.7,53,861 + Provident Fund of Rs.5.04,711/- + College Fund of Rs.4,500/- totally sum of Rs.13,22,477/- and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 30.04.2019 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr. A.Sundaravadhanam
Standing Counsel.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to settle the entire retirement benefits of the petitioner.

2. The case of the petitioner is that he was working as a driver in the respondent Transport Corporation. He retired from service on 30.04.2019. The grievance of the petitioner is that he has not been settled with any of the retirement benefit till date and therefore, left with no other option, the present Writ Petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner after having put in 27 years of service, has not been settled even with a single pie till date. The learned counsel submitted that the respondent Corporation has to pay the following amounts to the petitioner towards his terminal benefits.

S.No.	Terminal Benefits	Amount Due
1.	Gratuity	7,53,861/-
2.	Provident Fund	5,04,711/-
3.	Leave Encashment	59,405/-
4.	College Fund	4,500/-
	Total	----- 13,22,477/- -----

4. The learned counsel appearing on behalf of the respondent corporation submitted that the process has already been started and the retirement benefits will be settled at the earliest possible time. The learned counsel further submitted that if there are any amount due and payable by the petitioner, the same will be deducted and the balance amount will be paid to the petitioner.

5. A similar writ petition came to be filed before this Court seeking for a similar relief in WP(MD) No.23869 of 2019 and this Court has passed the following order :-

3. According to the petitioners, they lastly worked as Special Grade Driver, Special grade driver, Special Grade Conductor and Special Grade Driver respectively in the respondent Transport Corporation and retired from service on 30.06.2018, 31.07.2018, 31.07.2018 and 31.01.2019. Their terminal benefits were settled on 31.08.2019 with a long delay. The grievance of the petitioners is that, the respondents have not paid the interest for the delayed payment as per the Judgement of the first Bench of this Court, dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015. They have made representation to the respondents on 14.10.2019 and the respondents have not passed any orders on the representation. Hence, the petitioners have come out with the present writ petition.

5. This issue has already been decided by the First Bench of this Court referred to above. In view of the same, the respondents are directed to pay the interest at the rate of 6% for the delayed payment in twelve (12) equal installments on or before 10th day of every English calendar Month. The first installment is to be paid on or before 10th day of February, 2020.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for all his terminal benefits with interest. Accordingly, this Writ Petition is allowed and there shall be a direction to the respondent to settle the entire retirement benefits of the petitioner with interest @ 6% per annum from the date on which it became due till the date of actual payment. This amount shall be paid in eleven (11) equal installments on or before 10th of every month. The first installment shall be paid on or before 10.04.2020.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Managing Director
Tamil Nadu State Transport Corporation
Coimbatore Limited
Coimbatore Division
No.37, Mettupalayam Road
Coimbatore 641 043

+1 cc to M/s.R.Y.George Williams, Advocate Sr.No. 15756
+1 cc to M/s.A.Sundaravadhanan, Advocate Sr.No. 15934

AKM/02.03.2020/3P-4C /

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