

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.7273 of 2020

R.Loganathan

.. Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.

3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Post Retirement
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Provident Fund, Leave Surrender (EL), D.A. Arrears, RBS arrears and settlement arrears, IRT amount, Bonus for 2018-2019 and Employees Welfare Fund with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.6.2019 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.C.S.K.Sathish
Standing Counsel for TNSTC.

O R D E R

This matter is taken up through web hearing.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Provident Fund, Leave Surrender (EL), D.A. Arrears, RBS arrears and settlement arrears, IRT amount, Bonus for 2018-2019 and Employees Welfare Fund with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits

to the petitioner payable from the date of retirement i.e. 30.6.2019 to till date of actual payment to the petitioner within the time that may be stipulated by this Court."

3. The case of the petitioner is that he was working as a Helper in the respondent Corporation, employed from 1986 and retired from service on 30.06.2019. Lastly, the petitioner was working as Helper in Non-ITI at Thiruvallur Depot of the 2nd respondent Corporation. At the time of his retirement on 30.06.2019, the retirement benefits due to him had not been settled and therefore, he is before this Court seeking direction to payment of retirement benefits with interest.

4. The learned counsel appearing for the petitioner would submit that despite lapse of more than a year, till date unfortunately the petitioner has not been settled his terminal benefits, which runs to lakhs of rupees. Without the sanction of terminal benefits, without any reasons, the petitioner and his family members have been put to great hardship and suffering. According to the learned counsel, identically placed employees of the same Corporation, who had retired and whose retirement benefits have also not settled, approached this Court in a number of writ petitions and repeatedly, directions have been issued to settled their amounts.

5. In fact, considering the resource crunch faced by the Corporation suffering huge losses, this Court has directed the Corporation in other matters to pay the retirement benefits in monthly instalments, with 6% interest. On the basis of those directions, the terminal benefits had also been settled to those petitioners in instalments. Therefore, the learned

counsel would submit that similar direction may be issued.

6. Mr.Sathish, learned standing counsel appearing for the Corporation would submit that in this case, the retirement benefits could not be settled for the simple reason that two writ petitions are pending before this Court. One W.P.No.28528 of 2017, filed by the Management, challenging the conferment of permanent status order obtained by the petitioner. The other is WP No.6605 of 2017 filed by the petitioner contending that the suspension period of the petitioner was not regularised. Unless these two writ petitions are disposed of, clear picture would not emerge as to the actual entitlement of the petitioner.

7. In any case, the learned counsel for the Corporation would submit that the direction may be issued to the Corporation in line with the other orders passed by this Court and on such direction, the payments will be made in Equated Monthly Instalments and such payments may be directed to be made subject to the outcome of the two writ petitions pending before this Court.

8. In view of the above narrative and submissions of the counsels, the writ petition is disposed of with the direction as under:

(i) The respondents are directed to settle the terminal benefits due to the petitioner, according to their calculation in 12 Equated Monthly Instalments with 6% interest, to be calculated from the date of his retirement i.e from 30.06.2019 till the completion of the payment.

(ii) The respondents are directed to commence the instalment payment from the month of October 2020 for 12 months and the respondents shall ensure that the monthly instalments shall be paid to the petitioner on or before 15th of every month from October 2020 onwards.

(iii) In view of the pendency of the two writ petitions filed by both the management and the petitioner, the terminal benefits payable under the above directions, are without prejudice to the rights of both parties.

The writ petition is disposed of, accordingly. No Costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

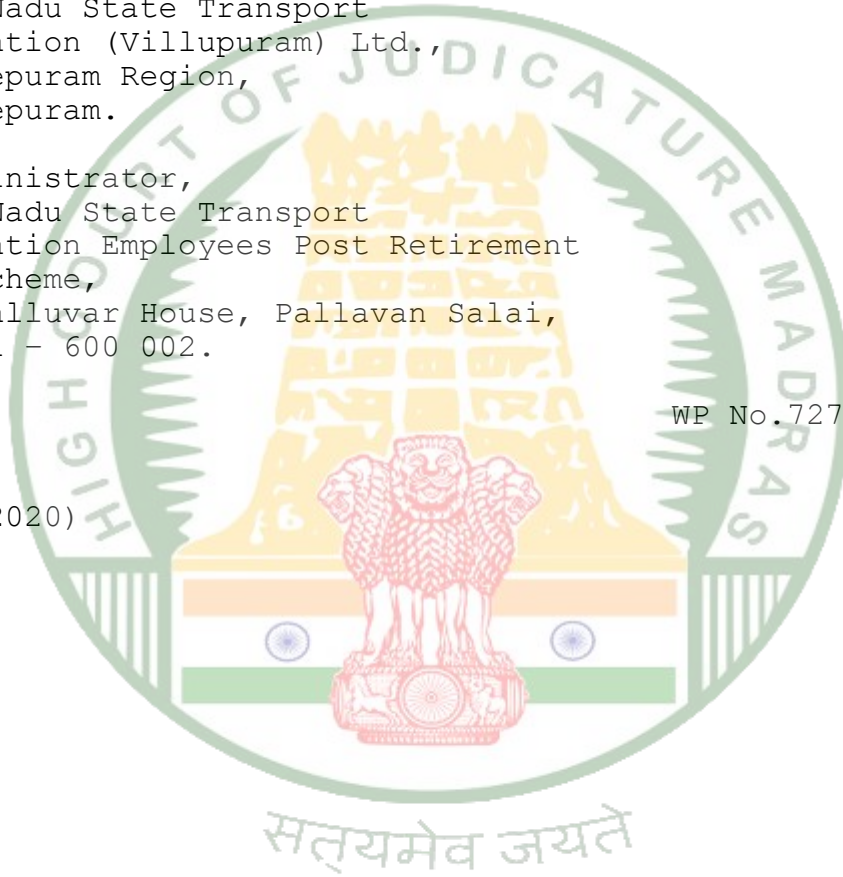
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To

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LN(CO)
CB(13/10/2020)



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