

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.14083 of 2020

S. Syed Silaman

.... Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by the Secretary,
Transport Department, Secretariat,
St. George Fort, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road, Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri - 636 705.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, EL & ML Surrenders, Compensation, Social Welfare Fund, IRT, Medical arrears, D.A. arrears with interest payable from the date of retirement based on the petitioner's representation dated 23.07.2019.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Kathiresan
Standing Counsel

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, EL & ML Surrenders, Compensation, Social Welfare Fund, IRT, Medical arrears, D.A. arrears with interest, payable from the date of retirement based on the petitioner's representation dated 23.07.2019.

2. The petitioner was employed in the respondent Transport Corporation as Conductor and after serving from 1984, he retired from service on 30.04.2019. Despite his retirement on 30.04.2019, no retirement benefits have been paid to him till date which include Provident Fund, Gratuity, EL & ML Surrenders, Dearness Allowance arrears and other pensionary benefits. The petitioner has also represented on 23.07.2019, demanding the payment of all admissible benefits. Since there has been no response to his representation, the petitioner is before this Court.

3. This is one of the scores of litigation filed by the retired employees of the respondent Transport Corporation claiming retirement benefits well after their retirement date. According to the stand of the respondent Corporation, due to the financial crunch, the employees though retired long ago, could not be settled the retirement benefits in time. This Court, on several occasions, taking note of the weak financial position of the Corporation, has directed the respondent Corporation to pay the retirement benefits to the employees concerned with 12 equated monthly installments along with 6% interest payable from the date, it became due and till the date of final installments to be paid to the petitioner.

4. In fact, a Division Bench of this Court in a batch of writ petitions has ordered settlement of retirement benefits in 12 monthly installments with 6% interest on the basis of submission made on behalf of the respondent Corporation by learned Additional Advocate General in a batch of writ appeals in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015.

5. In view of the above, the respondent Corporation is directed to settle the entire retirement benefits to the petitioner within 12 monthly installments commencing from the month of November 2020 and the benefits shall carry 6% interest from the date it became due and payable and till the date of realization of the entire dues.

6. The respondent Corporation is directed to commence its first payment on or before 10.11.2020 and shall continue to pay the installments every consecutive month on or before 10th of every month.

7. This writ petition stands allowed as above. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk/mp

To

1. The Secretary,
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St. George Fort, Chennai - 600 009.
2. The Managing Director,
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Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.M.Selvam, Advocate Sr.34488

W.P.No.14083 of 2020

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srg 02/12/2020