



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5408 of 2020

M.Selvakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Periyamilaguparai,
Trichy -1.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to settle the petitioner's retirement benefits, such as Gratuity, Earned Leave, Provident Fund, Pension, Arrears of Pension and other retirement benefits payable to the petitioner with reasonable rate of interest within a time frame.



For petitioner : Mr.N.Sudhagar Nagaraj
For 1st respondent : Mr.M.Murugan,
Government Advocate
For respondents 2 & 3 : Mr.P.Balasubramanian

WEB COPY

ORDER

By consent of the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 to 3, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Conductor in the 2nd and 3rd respondents Corporation on 04.02.1990. While serving so, in the year 2015, he was severely affected by Hyper Tension and Diabetics, due to which his right leg and right hand are not functioning and he could not walk properly. He has been in bedridden for the past four years. He was referred to Medical Board. The Medical Board has also certified that the petitioner is unfit to work as Conductor. By order dated 30.10.2018, the respondents allowed the petitioner to retire from service on medical grounds. However, till date the respondents have not settled any retirement benefits, such as Gratuity, Earned Leave, Provident Fund, Pension, Arrears of Pension, etc. and the other retirement benefits payable to him and hence, the petitioner has come up with this writ petition.

3. The learned counsel appearing for the respondents 1 to 3 submitted that due to financial crisis, the amount has not been settled and that it will be settled as early as possible.

4. In view of the limited relief sought for by the petitioner, this Court is of the view that notice need not be sent to the 4th respondent.

5. Admittedly, the petitioner was permitted to retire with effect from 30.10.2018 on medical grounds by the respondents 2 & 3. Having permitted the petitioner to retire from service, the respondents ought to have settled the retirement benefits to the petitioner forthwith. The Hon'ble Supreme Court also in the decision in **State of Jharkhand and others Vs. Jitendra Kumar Srivastava**, reported in (2013) 12 SCC 210, has held that the retirement benefits of an employee are not bounty but property and withholding of such benefits, without due process of law, is violative of Article 300(A) of the Constitution of India. The Hon'ble Supreme Court as well as this Court in several decisions have also held that when there is any delay in payment of retirement



benefits, more particularly, Gratuity, etc. the employee is entitled for payment along with interest.

6. In view of the above and also considering the ailment of the petitioner, the respondents are directed to pay the retirement benefits, such as Gratuity, Earned Leave, Provident Fund, Pension, Arrears of Pension, etc. and the other retirement benefits payable to him, with interest at the rate of 6% p.a. from the date of his retirement till the date of actual payment, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

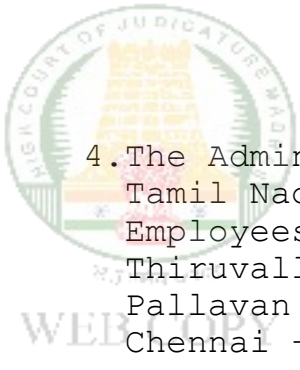
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TO

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+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-11901[F] dated 16/03/2020)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-12060[F] dated 17/03/2020)

+1 CC to M/s.SPL.GP (SR-12021[F] dated 17/03/2020)

Order made in

W.P.(MD) No.5408 of 2020

Dated : 16.03.2020

SS/14.05.2020/4P-8C