



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5480 of 2020

WEB COPY

P.Pius Moris

... Petitioner

Vs.

- 1.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai -2.
- 2.The General Manager (O & A),
State Express Transport Corporation,
Pallavan Street,
Chennai - 600 002.
- 3.The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.
- 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 provide retirement benefits, including the Provident Fund, the payment of Gratuity, Encashment of Earned Leave and Unearned Leave, Family Welfare Fund and cash deposits with interest for the delay in payment of such benefits within a stipulated time.

For petitioner : Mr.S.Louis
For respondents 1 to 3 : Mr.R.Rajamohan

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 in the year 1990, the petitioner was appointed as Driver in the Transport Corporation and after 29 years of unblemished record of service, he was retired from service on attaining the age of superannuation on 29.02.2020. At the time of retirement, he was given cheque for a sum of Rs.1 lakh along with retirement order. Till date the respondents have not settled any retirement benefits, such as Gratuity, Provident Fund, Encashment of Earned Leave and Unearned Leave, Family Welfare Fund, etc. and the other 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 29.02.2020 on attaining the age of superannuation by the respondents. It is stated that there is no disciplinary proceeding pending against him. 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 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, the respondents are directed to pay the retirement benefits, such as Gratuity, Provident Fund, Encashment of Earned Leave and Unearned Leave, Family Welfare Fund, etc. and the other 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 twelve 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 (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Gcg

To

- 1.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai -2.
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Kanyakumari Branch,
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Kanyakumari District.
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Employees Pension Fund Trust,
Thiruvalluvar House,
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Chennai - 600 002.

+1 CC to M/s.S.LOUIS, Advocate (SR-11891[F] dated 16/03/2020)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-11837[F] dated 16/03/2020)

Order made in
W.P. (MD) No.5480 of 2020
16.03.2020

SM/ (06.05.2020) 3P 7C

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