



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7564 of 2020

G.Senthil

...Petitioner

-Vs-

1.The State Express Transport Corporation
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,Chennai-02.

2.The General Manager,
The State Express Transport Corporation
(Tamil Nadu) Ltd.,
Pallavan Salai,Chennai-02.

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,Chennai-2.

...Respondents

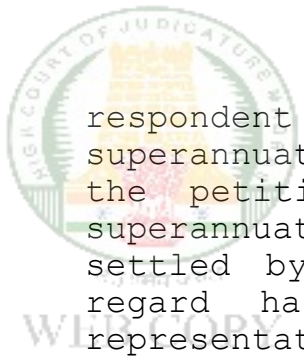
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle terminal benefits to the petitioner including Provident Fund, Gratuity, Earned leave salary, Commuted value of pension, Social Security Scheme amount, Refund of IRT amount and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18% per annum payable from the date of his retirement from the service of the first respondent corporation to till date on which the above benefits are settled to him.

For Petitioner	:	Mr.A.Rahul
For Respondents	:	Mr.R.Rajamohan

ORDER

The prayer sought for herein in this writ petition is for a Writ of Mandamus, directing the respondents to settle terminal benefits to the petitioner including Provident Fund, Gratuity, Earned leave salary, Commuted value of pension, Social Security Scheme amount, Refund of IRT amount and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18% per annum payable from the date of his retirement from the service of the first respondent corporation to till date on which the above benefits are settled to him.

2. The petitioner was working as a driver at the first



respondent transport corporation and on attaining the age of superannuation, he retired from service on 30.04.2020. Even though, the petitioner retired from service on attaining the age of superannuation, so far, none of the retiral benefits have been settled by the respondents. Therefore, the petitioner in this regard has given a representation, dated 09.06.2020. The representation has not been considered so far by the respondents. Therefore, the petitioner is before this Court.

3. I have heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

4. The learned Standing counsel appearing for the Transport Corporation would submit that, due to COVID-19 for the past more than 3 or 4 months, the buses are not plying as the public transport system has been suspended due to the lockdown conditions imposed by the State Government. This pandemic situation has aggravated the financial condition of the transport corporation, which is already in severe crisis.

5. Therefore, in such circumstances, unless a bulk amount is sanctioned by the State Government to settle the retiral and other service benefits of the employees of the transport corporation, the transport corporation is not in a position to disburse the retiral benefits to several employees like the petitioner.

6. After having submitted the respective arguments, at one point of time, the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondent Corporation have come forward to project before this Court a consent solution. Accordingly, the retiral benefits of the petitioner can be disbursed by the respondent Corporation.

7. According to them, the entire retiral benefits payable to the petitioner shall be paid by way of twelve (12) installments by the respondent Corporation and first such installment will be commenced next month from the date of restoration of bus services i.e., Public Transport Service of the respondent Corporation and accordingly, in the next twelve (12) months the entire retiral benefits as due shall be paid in equal installments.

8. The aforesaid arrangement, according to the learned counsel for both sides, can be recorded, as a consent reached between the parties, after getting necessary instructions from the respective clients and accordingly, the said submissions made by the learned counsel appearing for both sides is hereby recorded and this writ petition is therefore disposed of with the following order:

'(i) that the respondent Transport Corporation

<https://hcservices.ecourts.gov.in/hcservices> calculate the retiral benefits payable to the



petitioner and shall pay it in twelve (12) equal installments. The first installment shall commence after completion of one month from the date of restoration of Public Transport facility of the respondent Corporation and from then onwards every month upto next twelve (12) months, the entire due shall be paid by the respondent in equal installments, without fail.

(ii)it is made clear that in any event if any violation is noticed of this order, on the part of the respondent Corporation that will be viewed seriously.'

No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Managing Director,
The State Express Transport Corporation
(Tamil Nadu) Ltd., Pallavan Salai,Chennai-02.
- 2.The General Manager,
The State Express Transport Corporation
(Tamil Nadu) Ltd.,Pallavan Salai,Chennai-02.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,Thiruvalluvar Illam,
Pallavan Salai,Chennai-2.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-13256[F] dated 27/07/2020)

W.P. (MD)No.7564 of 2020

24.07.2020

AP(06/08/2020) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>