



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8617 of 2020

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S.Pandiyan

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye Pass Road,
Madurai.

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to sanction the petitioner's retirement benefits such as employees provident fund, gratuity, earned leave wages, surrender leave wages and IRT share amount payable to him with 18% per annum for the period of delay from 31.05.2019 till the date of realization within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

ORDER

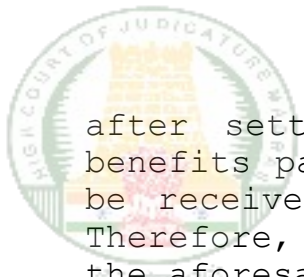
Prayer sought for herein is for a Writ of Mandamus, to direct the respondent to sanction the petitioner's retirement benefits, such as employees provident fund, gratuity, earned leave wages, surrender leave wages and IRT share amount payable to him with 18% per annum for the period of delay from 31.05.2019 till the date of realization within a time frame to be stipulated by this Court.

2.Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner and Mr.J.Senthilkumaraiah, learned Standing Counsel appearing for the respondent.

3.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The petitioner was working as foreman at the respondent transport Corporation, after having rendered 38 years of unblemished service, he retired on superannuation from 31.05.2019.

5.Though the petitioner has retired from service the year back, so far his retiral benefits have not been disbursed, which come several lacks of rupees. In this regard, even though by order dated 31.05.2019, the respondent has stated that whatever the due payable by the petitioner towards the respondent transport corporation,



after settling the same, the remaining amount from the retiral benefits payable to the petitioner by the respondent management can be received by him, so far the respondents have not acted upon. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

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6.The learned Standing Counsel appearing for the respondent would submit that, due to COVID-19 situation because of the complete lock down, where the public transport is suspended for the past several months, the respondent transport Corporation is not able to ply the buses. Therefore, absolutely there is no income for the transport Corporation, in view of the said financial crisis, the respondent Corporation would start paying the retiral benefits to the petitioner and other similarly placed persons, only after restoration of normalcy. Therefore, the said benefits can be paid to the petitioner with 12 equal installments commencing after the restoration of normalcy from COVID-19 period.

7.I have considered the said submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court and considering the same, this Court is inclined to dispose of the writ petition with the following directions:

'that the respondent transport Corporation shall start disburse the retiral benefits payable to the petitioner, after deducting any due payable by the petitioner towards the transport corporation and such payment shall be commenced within one month, immediately from the restoration of normalcy of bus service after COVID-19 situation. The entire due shall be paid, accordingly, within 12 equal installments on monthly basis and there should not be any deviation to the aforesaid schedule of disbursement of retiral benefits to the petitioner.'

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

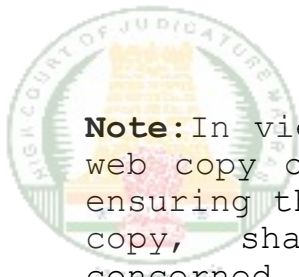
Assistant Registrar (AD II)

// 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.

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TO

The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye Pass Road,
Madurai.

W.P. (MD) No. 8617 of 2020

04.08.2020

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