



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)Nos.8486 & 8497 of 2020

WEB COPY

V.Radhakrishnan ... Petitioner in W.P.(MD) No.8486/2020
K.Jeyapaul ... Petitioner in W.P.(MD) No.8497/2020

Vs.

- 1.The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai 600 002
2. The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai 600 002
3. The Branch Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Melur Roade, Madurai - 7.
4. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust, Pallavan Salai,
Chennai 600 002 ... Respondents in both W.P.'s

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the Gratuity, Surrender Leave Salary, commutation of Pension, Medical College and Engineering College contribution and Employees Retirement Benefit Scheme benefits along with interest at the rate of 18% p.a. in the light of the judgment of the Hon'ble Supreme Court reported in 2008 (2) L.L.N. 179.

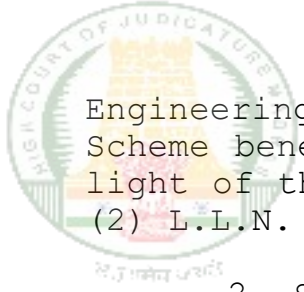
In both the cases:

For Petitioners : Mr.S.Govindan

For Respondents : Mr.R.Rajamohan, Standing counsel

C O M M O N O R D E R

The prayer sought for in these writ petitions are for a Writ of Mandamus, directing the respondents to settle the Gratuity, Surrender Leave Salary, commutation of Pension, Medical College and



Engineering College contribution and Employees Retirement Benefit Scheme benefits along with interest at the rate of 18% p.a. in the light of the judgment of the Hon'ble Supreme Court reported in 2008 (2) L.L.N. 179.

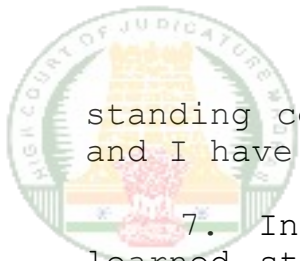
2. Since in both the writ petitions, the issues involved are one and the same and the facts are similar in nature and the relief sought for is also one and the same, at the request of the learned counsel appearing for the petitioners as well as the learned standing counsel appearing for the respondent Transport Corporation, both the writ petitions are being disposed of at the admission stage through this common order.

3. Both the writ petitioners have been working as Senior Grade Trades Man in the Mechanical Department under the respondent Transport Corporation and after rendering service for several years, on superannuation they retired from service on 31.05.2019. On retirement, both the petitioners have been paid Pension and Provident Fund alone, however, the other retiral benefits, such as Gratuity, Surrender Leave Salary, Commutation of Pension, Medical College and Engineering College Contribution and Employees Retirement Benefit Scheme benefits..etc have not been paid. Therefore, in order to get those remaining retiral benefits, both the petitioners have given their representations, dated 15.06.2020 to the respondent Transport Corporation and all that the learned counsel appearing for the petitioners seek is that, if their representations are directed to be considered and the respondents are directed to pay the said retiral benefits, payable to these petitioners within a time frame as may be fixed by this Court, the petitioners would be satisfied.

4. Heard Mr.R.Rajamohan, learned standing counsel appearing for the respondent Transport Corporation, who would submit that, no doubt, the remaining retiral benefis payable to these petitioners have to be paid and their representations would be considered and those retiral benefits would be calculated and be paid. However, the learned standing counsel submitted that, because of COVID-19 situation, due to the lock down procedure followed, the respondent Transport Corporation is not plying the buses, as the Public Transport has been suspended for several months.

5. In view of the same, unless the normalcy is restored, the respondent Transport Corporation would not be in a position to generate funds to disburse the retiral benefits to not only to the petitioners but also similiarly placed employees. Therefore, after the restoration of normalcy, if a time schedule is given, for instance, 12 monthly installments, definitely, these retiral benefits would be settled to these petitioners.

6. I have considered the said submission made by the learned counsel appearing for the petitioners as well as the learned



standing counsel appearing for the respondent Transport Corporation and I have perused the materials placed before this Court.

7. In view of the said submission made by Mr.R.Rajamohan, learned standing counsel appearing for the respondent Corporation, this Court is inclined to pass the following order:

- "(i) that the respondent Transport Corporation shall consider the representation of the petitioners, dated 15.06.2020 and accordingly, calculate the remaining retiral benefits payable to the petitioners such as Gratuity, Surrender Leave Salary, commutation of Pension, Medical College and Engineering College contribution and Employees Retirement Benefit Scheme benefits... etc and pay the same in 12 equal monthly installments; and
(ii) The first monthly installment shall commence after one month, immediately after the restoration of normalcy from COVID-19 lock down period.

8. With these directions, both the writ petitions are disposed of without any order as to costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

+2 CC to M/s.R. RAJAMOHAN, Advocate (SR-13544 & 13545[F] dated 03/08/2020)

Common Order made in

W.P. (MD) Nos. 8486 & 8497 of 2020

Dated: 03.08.2020

scr(CO)

TR(02.09.2020) 3P 3C