



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10341 of 2020

WEB COPY

N.Sundararaj

... Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Madurai Limited), Bye Pass Road,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to pay the retirement benefits morefully provident fund, gratuity amount and also other benefits within a time stipulated by this Court on the basis of petitioner's representation dated 14.07.2020.

For Petitioner : Mr.G.Saravanakumar

For Respondent : Mr.J.Senthil Kumaraiah, standing
counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondent herein to pay the retirement benefits and also other benefits within a time stipulated by this Court on the basis of petitioner's representation dated 14.07.2020.

2.The petitioner was working as a Conductor at the respondent Transport Corporation from 1995 onwards and after having rendered unblemished service of 25 years, retired from service on superannuation on 30.04.2020. The petitioner was permitted to retire peacefully by the respondent Corporation. Thouth the petitioner retired from service on 30.04.2020, till date, none of his retiral benefits have been disbursed. That means, not even a single pie of the retiral benefits like Provident Fund, Gratuity and other pay benefits have so far been paid. This, according to the petitioner, would comes about Rs.12 lakhs and such huge amount payable to the petitioner since has been with held and has not been so far paid, the petitioner being a retired employee, for health reason and also for the educational expenses to be met by the petitioner to his children, as projected, has approached the respondent by way of representation dated 13.07.2020 to disburse the said amount. However, since the same has not been considered, he has filed this writ petition with the aforesaid prayer.



3.The learned counsel appearing for the petitioner would submit that, since entire retiral benefits has been withheld and without a single pie from out of his retiral benefits, the petitioner is struggling a lot to meet the important expenses like educational expenses for his children and also medical expenses of the family members. Therefore, a suitable direction can be issued to the respondent to disburse the amount, if not the full amount immediately, atleast, part amount can be directed to be disbursed to meetout the contingency expenses faced by the family of the petitioner.

4.However, the learned standing counsel appearing for the Transport Corporation would submit that, admittedly, the petitioner retired on superannuation on 30.04.2020 and the aforesaid retiral benefits have not so far been paid. The reason for non payment is because of the COVID 19 situation, due to the lockdown procedure, the respondent Corporation is not able to ply buses, therefore, there is no scope of any revenue generation and that is the reason why, several such retired employees like the petitioner have not been paid or disbursed the retiral benefits. He would further submit that, in those cases, where this Court, with indulgence, have given a direction to pay the amount by instalment basis within a time frame and accordingly, in this case also, the same instalment schedule can be made by this Court for payment of the retiral benefits.

5.I have considered the said submission made by both sides and have perused the materials placed before this Court.

6.Since the entire retiral benefits, which, according to the petitioner comes about Rs.12 lakhs, since has not been paid, the petitioner with his family members struggling a lot as they have to meet so many expenses like medical expenses, educational expenses of the family, for which, bulk amount are required. Mere pension even if it is given to the petitioner, that would only be utilised for the purpose of surviving and from out of such meagre pension, the employee, like the petitioner cannot be expected to meet the major expenses takes place at his family. In that view of the matter, this Court is inclined to dispose of this writ petition with the following direction:

"the respondent Transport Corporation, by considering the request of the petitioner dated 30.07.2020 shall calculate the retiral benefits payable to the petitioner and out of such calculated retiral benefits amount, 25% of the same shall be disbursed immediately within a period of two weeks from the date of receipt of a copy of this order, in order to meet the urgent family expenses both under medical ground and also for educational purposes, to be made by the petitioner.

With regard to the remaining amount after paying 25% as



indicated above, the same can be paid by the respondent Corporation to the petitioner by 12 equal monthly instalments and the first instalment shall commence in the next month after the normalcy restored from the COVID 19 situation. The aforesaid time schedule shall be strictly adhered to, otherwise, the interest and penal interest would be charged from the respondent for any such belated payment."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

Arul

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

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Madurai Limited), Bye Pass Road,
Madurai.

W.P. (MD) No. 10341 of 2020

27.08.2020

PK (CO)

AP (15/10/2020) 3P 2C