



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11923 of 2020

(Through Video conferencing)

V.Shobhana Kumar

...Petitioner

-Vs-

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illai, 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, Commuted Value of Pension, Social Security Scheme amount, Refund of Erode Engineering College, Perundurai Medical College, Polytechnic amount, voluntary retirement compensation 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 1st respondent Corporation to till date on which the above benefits are settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Rajamohan, standing counsel



ORDER

The prayer sought for in this writ petition is for a writ of Mandamus, directing the respondents to settle terminal benefits to the petitioner including Provident Fund, Gratuity, Commuted Value of Pension, Social Security Scheme amount, Refund of Erode Engineering College, Perundurai Medical College, Polytechnic amount, voluntary retirement compensation 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 1st respondent Corporation to till date on which the above benefits are settled to him.

2.The petitioner was working as Assistant Manager in the respondent Transport Corporation and due to his illness, though his superannuation date is 31.05.2021, he applied for voluntary retirement on 21.04.2020 itself and the same having been considered was accepted by the 2nd respondent vide proceedings with effect from 30.06.2020. Therefore, on 30.06.2020, the petitioner has peacefully retired by way of voluntarily retirement. However, his terminal benefits has not so far been disbursed by the respondent Corporation.

3.In this context, the learned counsel appearing for the petitioner would submit that, due to his illness, he has already spent a sum of Rs.4 lakhs towards medical expenses and still he is in need of money for his continuous treatment for his illness. Therefore, an immediate dispersal of the retiral benefits would be greatly helpful to the petitioner. Hence, a direction to that effect may be issued as the representation to that effect made by the petitioner dated 07.08.2020 so far has not been considered by the respondents.

4.Heard the learned standing counsel appearing for the respondents, who would submit that, the request of the petitioner dated 07.08.2020 would be considered on merits and in accordance with law and accordingly, retiral benefits payable to the petitioner would be calculated and to be paid by way of 12 equal monthly instalments.

5.Considering the said submissions made by both sides and by taking into account the factual matrix of this case, this Court is inclined to pass the following orders:

"The respondents are directed to consider the representation of the petitioner dated 07.08.2020 and calculate the retiral benefits payable to the petitioner and to pay the same by way of 12(twelve) equal monthly instalments and the first instalment would commence from October 2020 and the same shall be paid every month without fail. In case of any default



in payment, it is needless to mention that the petitioner shall be entitled to claim interest."

6. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

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.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-17238[F] dated 17/09/2020)

Order made in

W.P. (MD)No.11923 of 2020

17.09.2020

CK (CO)

NR (02/12/2020) 3P : 2C