



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11660 of 2020

WEB COPY

V.Subramanian

... Petitioner

Vs.

1) The State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai 600 002

2) The General Manager,
The State Express Transport Corporation,
(Tamil nadu) Ltd.,
Pallavan Salai, Chennai 600 002

3) The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the 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 1st respondent corporation to till the date on which the above benefits are settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Rajamohan,
Standing counsel

O R D E R

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, 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 1st respondent corporation to till the date on which the above benefits are settled to him.

2. The petitioner was working as a Driver in the respondent Corporation and during his last leg of service, he suffered with paralytic attack and subsequently on superannuation, he retired from service on 29.02.2020. Though the petitioner retired on the said date, so far, his retiral benefits has not been disbursed by the respondent Corporation. In this regard, though the petitioner has given a representation dated 29.07.2020 to the respondents, even that was not considered. Therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would submit that, since the petitioner has already suffered with paralytic attack, he is badly in need of money for his livelihood as well as for medical expenses. Therefore, early disbursement of the retiral benefits would be greatly helpful to the petitioner.

4. I have heard Mr.R.Rajamohan, learned standing counsel appearing for the respondent Corporation, who would submit that, the request of the petitioner dated 29.07.2020 will be considered and accordingly, after calculating the retiral benefits payable to the petitioner, the same would be paid by way of twelve monthly equal installments and the first installment may be commenced from 1st of October 2020.

5. Considering the said submission made by the learned counsel appearing on both sides and in view of the stand taken by the respondent Corporation through the standing counsel for the respondent Corporation that, the retiral benefits would be paid only by way of 12 monthly equal installments, this Court is inclined to dispose of the writ petition with the following orders:-

"that the respondents are hereby directed to calculate the retiral benefits payable to the petitioner by considering his representation, dated 28.07.2020 and accordingly, start paying the same by way of 12 monthly equal installments and the first installment shall commence from 01.10.2020 onwards.

It is made clear that the petitioner's liberty to claim interest at a later point of time for the belated payment of retiral benefits is protected."



6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar (CS-I)

// 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.

To

1) The State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
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Chennai 600 002

2) The General Manager,
The State Express Transport Corporation,
(Tamil nadu) Ltd.,
Pallavan Salai, Chennai 600 002

3) The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002

+1 CC to Mr.R. RAJAMOHAN, Advocate (SR-16829[F] dated
15/09/2020)

Order made in

W.P. (MD)No.11660 of 2020

NS (CO)

KM (01.10.2020) 3P 5C