



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.12283, 12316, 12321, 12327, 12338 and 12339 of 2020

(Through Video conferencing)

K.Jegannathan	: Petitioner in WP(MD)No.12283 of 2020
S.Tamilselvan	: Petitioner in WP(MD)No.12316 of 2020
T.Surendranayagi	: Petitioner in WP(MD)No.12321 of 2020
R.Palaniyandi	: Petitioner in WP(MD)No.12327 of 2020
A.Ganesan	: Petitioner in WP(MD)No.12338 of 2020
A.R.Soundrarajan	: Petitioner in WP(MD)No.12339 of 2020

-Vs-

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director,
Kumbakonam.
 2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region, Pudukottai.
 3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2. : Respondents in WP(MD)No.12283 of 2020
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1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director,
Kumbakonam.
 2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai. : Respondents in WP(MD)No.12316 of 2020



1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director,
Kumbakonam.

2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

: Respondents in WP(MD)No.12321 of 2020

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director, Kumbakonam.

2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

: Respondents in WP(MD)No.12327 of 2020

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director, Kumbakonam.

2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

: Respondents in WP(MD)No.12338 of 2020

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Ref. By its Managing Director,
Kumbakonam.

2. The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

: Respondents in WP(MD)No.12339 of 2020



Prayer in WP(MD)No.12283 of 2020:

Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to settle all terminal benefits payable to the petitioner including Gratuity, Provident Fund, Terminal Leave Salary, Commuted value of pension 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 retirement from the service of the 1st respondent corporation to till date on which the above benefits are settled to him.

Prayer in WP(MD). 12316/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to settle all terminal benefits payable to the petitioner including Gratuity, Provident Fund, Terminal Leave Salary and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18 percentage 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

Prayer in WP(MD). 12321/ 2020 :

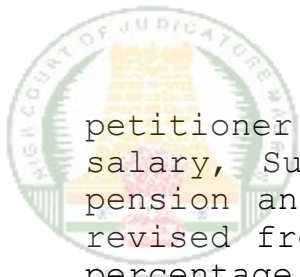
Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to settle all terminal benefits payable to the petitioner including Gratuity, Provident Fund, Terminal Leave Salary, Surrender Leave encashment for 52.5 days and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18 percentage 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

Prayer in WP(MD). 12327/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus, directing the respondent to settle all terminal benefits payable to the petitioner including Gratuity, Provident Fund, Terminal Leave Salary, surrender leave encashment for 50 days and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18 percent 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.

Prayer in WP(MD). 12338/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents to settle all terminal benefits payable to the



petitioner including Gratuity, Provident Fund, Terminal leave salary, Surrender leave encashment for 4 days, Commuted value of pension and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18 percentage 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.

Prayer in WP(MD). 12339/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Order or Direction or in the nature of Writ of Mandamus , directing the Respondents to settle all terminal benefits payable to the petitioner including Gratuity , Provident Fund, terminal leave salary and difference in Dearness allowance on monthly pension as revised from time to time together with interest at the rate of 18 percentage 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.

In all Wps.

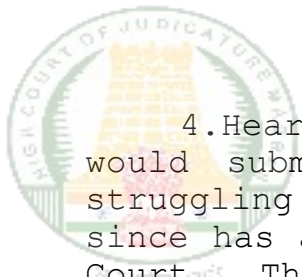
For Petitioners : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian,
standing Counsel

COMMON ORDER

The issue raised in these writ petitions are common. Therefore, with the consent of the learned counsel appearing for both sides, all these writ petitions were heard together and are being disposed of by this common order.

2.All these petitioners are the erstwhile employees of the respondent Corporation. The petitioners in W.P.(MD) Nos.12283 and 12316 of 2020 were Checking Inspectors, the petitioners in W.P.(MD) No.12321 of 2020 was Special Grade Assistant, the petitioners in W.P.(MD) Nos.12327 and 12338 of 2020 were Drivers and the petitioner in W.P.(MD) No.12339 was Junior Assistant. On superannuation, they retired on 30.04.2020, 30.06.2019, 31.05.2019, 29.02.2020, 30.04.2020 and 30.04.2019 respectively.

3.Though all these writ petitioners retired on the aforesaid dates, the retiral benefits so far has not been disbursed to the petitioners. In this regard, even though the petitioners made representation on 19.06.2020 to the respondents seeking the disbursement of retiral benefits, even the said representation was also not considered. Therefore, all these petitioners are before this Court in this batch of cases.



4. Heard the learned counsel appearing for the petitioners, who would submit that, after retirement, since the petitioners are struggling to meet the both ends and their attempt to make a request since has also not yielded any desired result, they approached this Court. Therefore, a direction can be issued to the respondents to disburse the retiral benefits to each of the petitioners, within a time frame, that may be stipulated by this Court.

5. Heard the learned standing counsel appearing for the respondents in all these cases, who would submit that, due to COVID 19 situation, retiral benefits of the petitioners could not be immediately disbursed, but, anyhow, now, normalcy has been restored, but, still the respondent Corporation is struggling with financial crisis. Therefore, from the month of December 2020, retiral benefits could be paid to all these petitioners by way of 12 monthly equal instalments, he contended.

6. I have considered the said submissions made by the learned counsel appearing for both parties and perused the materials placed before this Court.

7. Having regard to the factual matrix of this case, as admittedly, these petitioners though have been retired in the year 2019 as well as 2020, retiral benefits so far have not been paid to the respondents, suitable direction can very well be issued to the respondents.

8. In view of the above, these writ petitions are disposed of with the following orders:

"In all these writ petitions, the representation made by the petitioners dated 19.06.2020 shall be considered by the respondents and on considering the same, the retiral benefits payable to each of the petitioners shall be calculated and accordingly, the respondents shall pay the same by way of 12 equal monthly instalments, which strictly commence from the month of December 2020. Since the respondents themselves took time to disburse the amount by way 12 equal monthly instalments from December 2020 onwards, the said time schedule now fixed by this Court commencing from December 2020 shall not be deviated at any circumstances. Accordingly, first instalment shall be paid in the month of December 2020 and other instalments shall be continued to be paid every month thereafter. It is needless to mention that, for the belated payment of the retiral benefits, entitlement of the petitioners to seek interest is protected.



9. With these directions, these writ petitions are disposed of.
No costs.

Sd/-

Assistant Registrar (CS-II)

// 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

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region, Pudukottai.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvat Illam, Pallavan Salai,
Chennai - 2.

+6CCs to Mr.P.Balasubramanian, Advocate SR.Nos.17776 to 177780 &
17774.

Order made in
W.P. (MD) Nos.12283, 12316, 12321,
12327, 12338 and 12339 of 2020
22.09.2020

AC (CO)
CS (06.01.2021) 6P 10C