



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.12366, 12407, 12413 & 12414 of 2020

S. Sivabalan	...Petitioner in W.P.(MD) No.12366 of 2020
V.R.Rajendran	...Petitioner in W.P.(MD) No.12407 of 2020
S.Selvakumar	...Petitioner in W.P.(MD) No.12413 of 2020
M.Kannan	...Petitioner in W.P.(MD) No.12414 of 2020

-Vs-

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited.,
Rep. by its Managing Director,
Kumbakonam.
- 2) The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited.,
Pudukottai Region,
Pudukottai.
... RR 1 & 2 in W.P.(MD)
Nos.12407& 12413 of 2020
- 3) The Administrator,
Tamil Nadu State Transport Corporation Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 2
... RR 1 to 3 in W.P.(MD)
Nos.12366 & 12414 of 2020

COMMON PRAYER: Writ Petitions are 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 petitioners 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 their retirement, from the service of the 1st respondent corporation to till date on which the above benefits are settled to them.

In All W.P.'s

For Petitioners : Mr.A.Rahul
For RR 1 & 2 : Mr.P.Balasubramanian,
Standing counsel

COMMON ORDER

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

2. The petitioners in W.P.(MD) Nos.12366 & 12413 of 2020 were working as Checking Inspectors and the petitioners in W.P.(MD) Nos.12407 & 12414 of 2020 were working as Drivers, who worked as such in the respondent Transport Corporation for several years and on superannuation, they retired from service on the following dates - 31.05.2019, 31.07.2019, 30.06.2019 & 31.01.2020 respectively.

3. Though these petitioners retired in the year 2019 and also in January 2020, so far, their retiral benefits have not been paid by the respondent Transport Corporation, despite the request having been made in this regard by the petitioners and because of this long delay in disbursing the retiral benefits, the petitioners, being retired employees are struggling a lot to meet both ends.

4. Therefore, the learned counsel appearing for the petitioners would submit that, the request made in this regard on 19.06.2020 by each of the petitioners can be directed to be considered by the respondents and accordingly, the retiral benefits payable to each of the petitioners shall be directed to be disbursed at the earliest.

5. I have heard Mr.P.Balasubramanian, learned standing counsel appearing for the respondent Transport Corporation, who would submit that, due to COVID-19 situation, the respondent Transport Corporation is in financial crisis and therefore, immediately the retiral benefits to these petitioners as well as similarly placed retired employees could not be paid in time. Any how, the retiral benefits of these petitioners would be disbursed, at the earliest, by way of twelve(12) equal monthly installments and accordingly, the time schedule can be fixed by this Court commencing from 1st of December, 2020.



6. Having regard to the submission made by the learned counsel appearing for both sides and taking into account the factual matrix of these cases, these writ petitions are disposed of with the following orders:-

"that the respondents are hereby directed to consider the representations, dated 19.06.2020 submitted separately by the petitioners and accordingly, calculate and disburse the retiral benefits payable to each of the petitioners. Such disbursement of retiral benefits shall be made by way of twelve (12) equal monthly installments and the first monthly installment shall commence strictly on the first of December 2020. It is also made clear that, on or before the first week of December 2020, the first installment shall be paid and thereafter, every month, within the first week of the next month following, other installments shall be paid till the completion of twelve installments."

7. There should not be any deviation on this time schedule on the part of the respondents and in case any deviation is noticed, and if any belated payment is made, apart from the right of claiming interest for the already belated payment by the petitioners, the further belated payment would also be construed for the purpose of claiming interest.

8. With these directions, these Writ Petitions are disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To:

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



2) The General Manager,
Tamil Nadu 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

+3 cc to Mr.P.Balasubramanian , Advocate SR.No.18015, 18016, 18017

Common Order made in
W.P. (MD) Nos.12366, 12407,
12413 & 12414 of 2020

Dated:
23.09.2020

KM (07.01.2021) 4P 7C