



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12712 of 2020

(Through Video conferencing)

A.Murugaraj

...Petitioner

-Vs-

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

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

...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, Terminal Leave Salary, Post retired welfare scheme 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, Terminal Leave Salary, Post retired welfare scheme 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 retirement from the service of the 1st respondent corporation to till date on which the above benefits are settled to him.

2.This petitioner was working as a Special Grade Conductor at the respondent Corporation. On superannuation, he retired on 31.05.2019. Though this petitioner retired on the aforesaid date, the retiral benefits so far has not been disposed of to the petitioner. In this regard, even though the petitioner made



representation on 20.07.2020 to the respondents seeking the disbursement of retiral benefits, even the said representation was also not considered. Therefore, this petitioner is before this Court.

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

4. Heard the learned standing counsel appearing for the respondents, who would submit that, due to COVID 19 situation, retiral benefits of the petitioner 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 October 2020, retiral benefits could be paid to the petitioner by way of 12 monthly equal instalments, he contended.

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

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

7. In view of the above, this writ petition is disposed of with the following orders:

"The representation made by the petitioner dated 20.07.2020 shall be considered by the respondents and on considering the same, the retiral benefits payable to each of the petitioner 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 October 2020. Since the respondents themselves took time to disburse the amount by way 12 equal monthly instalments from October 2020 onwards, the said time schedule now fixed by this Court commencing from October 2020 shall not be deviated at any circumstances. Accordingly, first instalment shall be paid in the month of October 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 petitioner to seek interest is protected.

8. With this directions, this writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (ADI)

// 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.

To

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

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

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-18197[F] dated 28/09/2020)

W.P. (MD) No.12712 of 2020

25.09.2020

SS (CO)

KB (05.10.2020) 3P 4C