



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12594 of 2020

WEB COPY

P.Shunmugasundaram

... Petitioner

Vs.

1) The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli

2) The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli

... 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, 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

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, Terminal Leave Salary, Post retiral 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.

2. The petitioner was working as Driver at the respondent Corporation and after serving for long years, he retired on superannuation on 31.05.2019.



3. Though he retired a year back, till date, the retiral benefits, have not been paid by the respondent Corporation, despite the representation has been made in this regard and last such representation he has made to the respondent was on 30.07.2020. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to issue a direction to the respondents to pay the retiral benefits of the petitioner at the earliest.

4. Heard the learned standing counsel for the respondents, who would submit that, the said representation dated 30.07.2020 submitted by the petitioner would be considered and accordingly, the retiral benefits payable to each of the petitioner would be calculated and be paid to him by 12 equal monthly installments and the first installment shall be commenced from October 2020.

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

"That the respondents are hereby directed to consider the representation dated 30.07.2020 given by the petitioner to the respondents and accordingly, calculate the retiral benefits payable to the petitioner and the same shall be disbursed by way of 12 equal monthly installments and the first installment shall be commenced from October '2020 and shall continue to pay till the completion of the payment. It is made clear that, the right of the petitioner to claim interest for the belated payment is protected."

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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) Ltd.,
Represented by its Managing Director,
Tirunelveli

2) The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli

+1cc to Mr.R.Rajamohan, Advocate Sr.No.18194

Order made in
W.P. (MD) No.12594 of 2020

Dated:
25.09.2020

MJ (CO)
NR (08/01/2020) 3P : 4C