



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.18471 of 2020

A.Rajasekar

... Petitioner

Vs

1. The State Express Transport Corporation,
(Tamilnadu) Ltd.,
represented by its Managing Director,
Pallavan Salai,
Chennai -02.
2. The General Manager,
The State Express Transport Corporation,
(Tamilnadu) Ltd.,
represented by its Managing Director,
Pallavan Salai,
Chennai -02.
3. The Administrator,
The Tamilnadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai -02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to settle terminal benefits to the petitioner including Gratuity, Provident Fund, Earned Leave Salary, Surrender 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 date on which the above benefits are settled to him.

For Petitioner	: Mr.A.Rahul
For R1 & R2	: Mr.R.Rajarajan
For R3	: Mr.A.Swaminathan



ORDER

This Writ Petition is filed to direct the respondents to settle the terminal benefits to the petitioner including Gratuity, Provident Fund, Earned Leave Salary, Surrender 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.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was working as Senior Driver in the respondent corporation and on attaining the age of superannuation, he retired from service on 30.04.2020. Though the petitioner is entitled for retirement benefits, the respondents have not settled the same to the petitioner so far, for which, the petitioner has made a representation, dated 19.11.2020 to the respondents and the same is still pending without any progress. Hence, the present writ petition.

4.The learned counsel appearing for the petitioner would submit that no disciplinary proceeding is pending as against the petitioner and therefore, there is no legal impediment for the respondents in settling the retirement benefits payable to the petitioner along with interest.

5.In reply, the learned counsel appearing for the respondents would submit that due to financial crises, the amount has not been settled and that it will be settled as early as possible.

6.Admittedly, the petitioner was permitted to retire from service with effect from 30.04.2020, on attaining the age of superannuation by the respondents. It is stated that there is no disciplinary proceeding is pending against the petitioner. Having permitted the petitioner to retire from service, the respondents ought to have settled the retirement benefits to the petitioner forthwith.

7.The Hon'ble Supreme Court in the decision in ***State of Jharkhand and others Vs. Jitendra Kumar Srivastava***, reported in ***(2013) 12 SCC 210***, has held that the retirement benefits of an employee are not bounty but property and withholding of such benefits, without due process of law, is violative of Article 300 (A) of the Constitution of India. The Hon'ble Supreme Court as well as this Court in several decision have also held that when there is any delay in payment of retirement benefits, more particularly, Gratuity, etc., the employee is entitled for payment along with interest.



8. In view of the above, the respondents are directed to pay the retirement benefits, such as Gratuity, Provident Fund, Earned Leave Salary, Surrender Leave Salary, Commuted Value of Pension, Social Security Scheme amount, Refund of IRT amount etc., and the other benefits payable to him, with interest at the rate of 6% per annum from the date of his retirement till the date of actual payment, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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.

+1cc to Mr.A.Rahul, Advocate, SR.No.25529.

+1cc to Mr.R.Rajamohan, Advocate, SR.No.25585.

W.P. (MD) No.18471 of 2020

15.12.2020

SJ(CO)

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