

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18382 of 2020

K.Selvaraju

... Petitioner

Vs

1. State Express Transport Corporation
Rep. by its Managing Director,
2, Pallavan Salai,
Chennai 600 002.
2. The General Manager,
State Express Transport Corporation,
2, Pallavan Salai,
Chennai-2.
3. Tamil Nadu State Transport Corporation
Employees Pension Trust,
Rep. by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.8,90,886.34/- towards Gratuity amount for his 31 years of service; and a sum of Rs.4,28,552.91/- towards the earned leave salary for 237.5 days, the amounts payable to him under the Family Benefit Fund Scheme and Social Security Scheme, IRT Contributions, Commuted Value of pension, difference in dearness allowance for monthly pension, together with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose
For Respondents : Mr.K.Kathiresan
Standing counsel

O R D E R

The prayer sought for in this writ petition is to direct the respondents to pay the Gratuity amount due and earned leave salary of the petitioner.

2. The case of the petitioner is that the interim order dated 14.12.2020 has been complied with. However, except the gratuity amount, other benefits have not been paid. It is submitted by the petitioner that the Government has issued G.O. (Ms) No.148 dated 21.12.2020, sanctioning Rs.983 Crores for disbursement of the amount payable to the employees ceased from service and the entire benefits may be ordered to be paid in one installment.

3. Per contra, the respondents contended that it is true that the Government has sanctioned money payable to the retired employees and that the Gratuity amount has already been paid. It is further contended that due to Covid-19 Pandemic, the other benefits have not been paid, as the employees, who are in service at present, have got to be paid and therefore, a request was made that the respondents may be given time to pay the amount in 12 installments. The respondents also relied upon a judgment of this Court dated 12.06.2016 in support of their claim.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is not in dispute that the petitioner is entitled to the amount prayed for in this writ petition and it is admitted that the gratuity amount has already been paid. The decision of the Division Bench dated 12.06.2016 and 03.08.2020 is not applicable to the present case for payment of amount in installments, as the petitioner, who has retired from service, seeks benefits to eke out his livelihood.

6. Considering the submissions made on either side and taking into account the unforgettable impact of Corona, this Court directs the respondents to pay the entire amount due to the employee/petitioner less the amount already paid, in 10 installments commencing from 01.03.2021 with interest at 6% per annum, including the amounts which were already paid belatedly.

7. With the above observation and direction, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1 The Managing Director,
The State Express Transport Corporation,
2, Pallavan Salai,
Chennai 600 002.

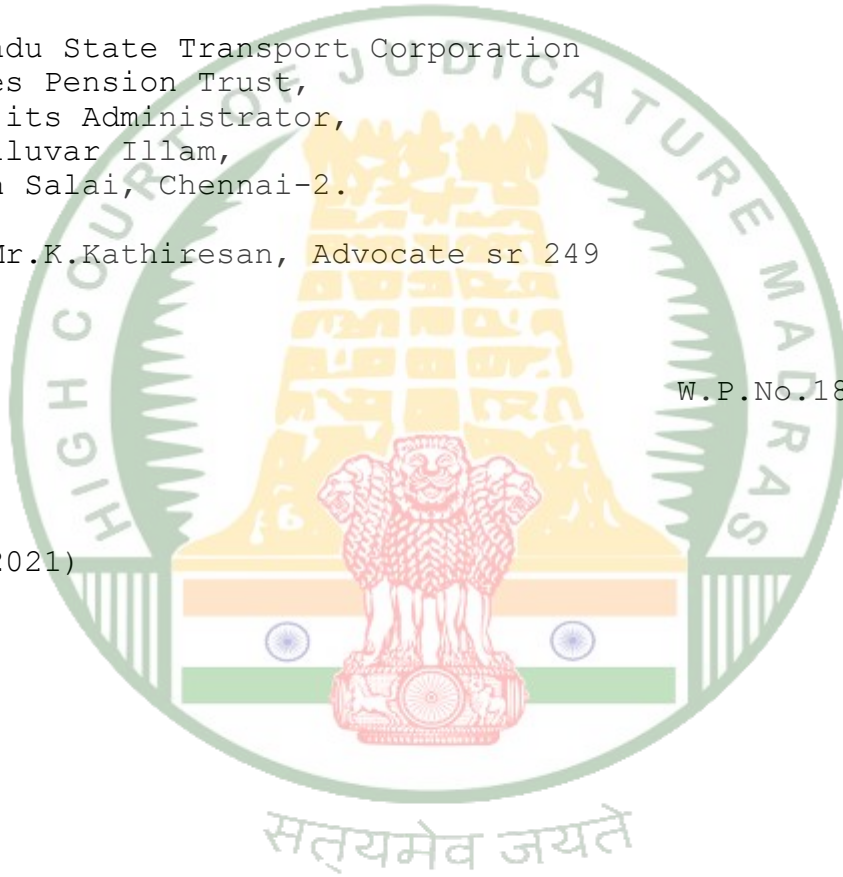
2.The General Manager,
State Express Transport Corporation,
2, Pallavan Salai,
Chennai-2.

3.Tamil Nadu State Transport Corporation
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+1 CC to Mr.K.Kathiresan, Advocate sr 249

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NRL (CO)
SP(25/02/2021)



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