



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1392 of 2021

R.Anusam

... Petitioner

Vs.

1.The Management of

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The Administrator,

Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pay the petitioner forthwith his terminal / retirement benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned Leaves, Social Security Scheme Benefits etc., together with 18% interest per annum and further directing the respondents to pay him forthwith Pension, commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Anusam (Party-in-person)

For Respondents : Mr.P.Balasubramanian for R1
Standing Counsel
Mr.A.Swaminathan for R2
Standing counsel

O R D E R

Heard Mr.R.Anusam, the party/petitioner himself, Mr.P.Balasubramanian, learned Standing Counsel, appearing for the first respondent and Mr.A.Swaminathan, learned Standing Counsel, appearing for the second respondent.

2.The petitioner is aggrieved against the non-settlement of the retirement benefits. The petitioner has retired from his service on 30.04.2020. The learned Standing counsel appearing for the 1st respondent would submit that the Transport Corporation is under severe financial crisis and insofar as the employee's who had retired till 31.12.2019, the Government had already released funds and those retirement employees have been settled. Likewise, they have sent a proposal for seeking for allotment of funds for the employees, who had retired between 01.01.2020 and 30.04.2020 and the



said proposal is pending. According to the learned Standing counsel, the proposal is likely to be approved in a couple of months. Hence, the learned Standing Counsel seeks liberty to settle the petitioner in twelve equal monthly instalments.

3. The petitioner, who appears in person, relies upon the decision of the Hon'ble Division Bench of this Court in the case of **K.Muthukamatchi Sekar Vs. The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Karaikudi Region and another** made in **W.A. (MD).No.368 fo 2019**. The objections of the respondent in the case before the Hon'ble Division Bench was similar to that the petitioner herein, wherein, they sought for the settlement of terminal benefits in twelve equal monthly instalments. However, the Hon'ble Division Bench is of the view that the Employee's Provident Fund contribution of the employee could be settled within a period of four weeks and the other terminal benefits could be settled in twelve equal monthly instalments. The relevant portion of the order reads as follows:

"3. Though the learned counsel appearing for the first respondent expressed some difficulty, the request of the appellant is fair. Having regard to the fact that the appellant has retired from service on 31.07.2018 and that the terminal benefits has not been paid so far the Writ Appeal is disposed of with the following directions:

(i) The Transport Corporation viz., the first respondent is directed to settle the Employee's Provident Fund Contribution of the appellant within four weeks from today;

(ii) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly instalments;

(iii) The first installment shall commence by making payment on or before 10th of May 2019 and each of the remaining installments shall be paid on or before 10th of every succeeding month;

(iv) The said terminal benefit shall carry interest @ 6% per annum, as per the Division Bench Judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

(v) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount of which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can



agitate the same as per law, if he is entitled."

4. Since the petitioner's case is similar to that of the case in **K.Muthukamatchi Sekar** (supra), the same directions could be made in the present case also.

5. Accordingly, the present writ petition is allowed with the following directions.

(i) The first respondent is directed to settle the Employee's Provident Fund contribution of the petitioner, within four weeks from today (i.e., 08.02.2021).

(ii) The other terminal benefits of the petitioner shall be settled in twelve equal monthly instalments. However, if the proposal for fund allotment is approved by the Government before the expiry of the twelve equal monthly instalments, the first respondent shall endeavour to settle such terminal benefits forthwith, in any case, within a period of eight weeks from the date of the approval of the fund allotment.

(iii) The instalments referred to in above shall commence from 1st of March 2021 and the remaining instalments shall be paid on the first day of every succeeding month.

(iv) The terminal benefits will carry interest at the rate of 6% per annum, to be calculated from the date on which the retirement benefits were due.

No costs.

Sd/-

Assistant Registrar (CS-I)

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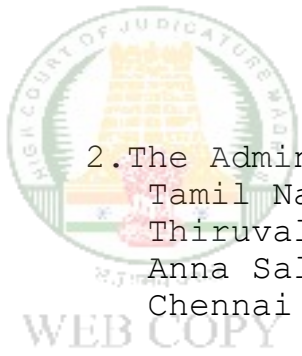
Sub Assistant Registrar (CS)

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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.

1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
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<https://hcservices.ecourts.gov.in/hcservices/>



2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

+1 CC to Mr.P.Balasubramanian, Advocate (SR-4144[F] dated
10/02/2021)

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08.02.2021

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