



W.P.No.24718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.24718 of 2022

A.Ravindran Rtd Spl.Gr.Driver 1014176 Petitioner

-Vs-

Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division, No.37 Mettupalayam
Road, Coimbatore-43. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to settle one time payment of the entire retirement benefits of the petitioner ie., Gratuity sum of Rs.11,39,776 Plus Provident Fund sum of Rs.9,14,914/- plus college fund of Rs.4,500/- plus SSS Fund Rs.45,000/- totally sum of Rs.21,04,190/- and other attendant benefits and enhanced dearness allowances and to pay the balance 25 percentage of monthly pension from 31.06.2022 along with 18 percentage interest on delayed payment from 31.06.2022 to till the date of disbursement of the terminal benefits to the petitioner and further direct the respondent to pay the 100% of monthly pension from 01.10.2022.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.A.Sundaravadhanam
Standing Counsel

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the respondent to settle one time payment of the entire retirement benefits of the petitioner ie., Gratuity sum of Rs.11,39,776 Plus Provident Fund sum of Rs.9,14,914/- plus college fund of Rs.4,500/- plus SSS Fund Rs.45,000/- totally sum of Rs.21,04,190/- and other attendant benefits and enhanced dearness allowances and to pay the balance 25 percentage of monthly pension from 31.06.2022 along with 18 percentage interest on delayed payment from 31.06.2022 to till the date of disbursement of the terminal benefits to the petitioner and further direct the respondent to pay the 100% of monthly pension from 01.10.2022.

2. The petitioner had been working as a Driver at the respondent Transport Corporation for several years. After having rendered such long years of service, he retired from service on attaining superannuation on 31.05.2022. Though he retired from service on 31.05.2022. His retirement as well as pensionary benefits has not so far been paid or disbursed. In this regard the respondent seems to have cited a reason that W.P.No.2407 of 2019 was pending before this Court for consideration and due to the pendency of the writ petition, the retirement benefits payable to the petitioner has been withheld and has not been released or paid. Though such a stand was taken by the respondent Transport Corporation by communication dated 30.05.2022 it is the submission



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made by the learned counsel for the petitioner that the said writ petition was filed by the Employees Union / Trade Union for considering the third review benefit for all members of the Trade Union, and therefore whether the Trade Union would succeed in that writ petition or not would no way be an impediment for the respondent Transport Corporation for retirement and pensionary benefits which are otherwise payable to the petitioner and therefore, for that reason the retirement and pensionary benefits of the petitioner cannot be withheld, he contended.

3. On the other hand, Mr.A.Sundaravadhanam learned Standing Counsel appearing for the respondent Corporation would submit that, in view of the pendency of the writ petition as referred in the communication dated 30.05.2022 the retirement and pensionary benefits of the petitioner has not been paid and withheld. Therefore, unless the said writ petition is decided it would not be disbursed, as based on the decision to be taken in that writ petition only such benefit can be calculated and be paid to the petitioner. Therefore, the respondent is awaiting the orders to be passed in the said writ petition.

4. I have considered the rival submissions made by the learned counsel on



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either side and have perused the materials placed on record.

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5. As has been rightly pointed out by the petitioner, W.P.No.2407 of 2019, if it is filed by Trade Union or Workers Union, where the petitioner is also a member, that too seeking for the relief of third review service benefits, whether the said third review service benefits would be applicable to the petitioner and other similarly placed persons who are the members of the Trade Union would ultimately be decided by this Court.

6. Otherwise, independently the petitioner would be entitled to get the retirement and pensionary benefits. Therefore, citing the pendency of the said writ petition, the stand now taken by the respondent Corporation not to disburse the retirement and pensionary benefits payable to the petitioner is untenable and unjustifiable. Therefore, this Court has no hesitation to hold that the petitioner is entitled to get the retirement and pensionary benefits for which a direction can be given to the respondent Corporation to consider the representation of the petitioner and pass orders thereon within a time frame that may be stipulated by this Court.

7. In view of the aforesaid, this Court is inclined to dispose of this writ



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petition with the following order.

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- That there shall be a direction to the respondent to consider the representation of the petitioner dated 15.06.2022 and accordingly calculate the retirement and pensionary benefits payable to the petitioner otherwise and pay / disburse the same within a period of eight weeks from the date of receipt of a copy of this order.
- It is made clear that insofar as the third review benefit that has been sought for by the petitioner through the Trade Union, depending upon the outcome of the said litigation in W.P.No.2407 of 2019 that benefit whether to be given or not can be decided by the respondent later on. Therefore, pendency of the said writ petition shall not stand in the way of the respondent to disburse the retirement and pensionary benefits to the petitioner within the time frame as indicated above.

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

15.09.2022

Index : Yes/No
Internet : Yes/No
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R. SURESH KUMAR, J.

KST

To

Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division, No.37 Mettupalayam
Road, Coimbatore-43.

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