



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.6068 to 6072 of 2022

K.Velayudhan ... Petitioner in W.P(MD) .No.6068 of 2022
C.Babu ... Petitioner in W.P(MD) .No.6069 of 2022
N.Sasi ... Petitioner in W.P(MD) .No.6070 of 2022
S.Manoharan ... Petitioner in W.P(MD) .No.6071 of 2022
A.P.Radhakrishnan ... Petitioner in W.P(MD) .No.6072 of 2022

Vs.

1.Tamil Nadu State Transport Corporation Limited,
Rep.by its Managing Director,
Thirunelveli Division, K.T.C.Nagar,
Thirunelveli-627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Nagercoil Region, Rani Thottam,
Nagercoil,
Kanyakumari-629 001. ... Respondents in all petitions

Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to pay 6% interest for the belated payment of terminal benefits of P.F.Gratuity and unavailed Leave salary payable to the petitioners from the date of their retirement (i.e.,) 31.05.2018, 31.03.2020, 31.05.2019, 31.03.2019 & 31.03.2019 to till the date of actual payment made to them (i.e.,) 13/14.09.2019, 02.06.2021, 27.01.2021, 24.09.2019, 23/24.09.2019 and all other attendant benefits to them within the stipulated period.

In all petitions

For Petitioner : Mr.A.K.Thangavelu
For Respondents : Mr.R.Rajamohan
Standing Counsel

C O M M O N O R D E R

The relief sought for in the present Writ petitions is to direct the respondents to pay 6% interest for the belated payment of terminal benefits of P.F.Gratitude and unavailed Leave salary payable to the petitioners from the date of their retirement (i.e.,) 31.05.2018, 31.03.2020, 31.05.2019, 31.03.2019 & 31.03.2019 till the date of actual payment made to them (i.e.,) 13/14.09.2019, 02.06.2021, 27.01.2021, 24.09.2019, 23/24.09.2019 and all other attendant benefits to them within the stipulated period.

2. The issues raised in these writ petitions are no more *res integra* as the employees are entitled for interest which is affirmed by the Hon'ble Division Bench of this Court. This Court has considered the said position in W.P(MD).No.11564 of 2018 dated 28.04.2018 and the relevant paragraphs are extracted hereunder:-

4. The terminal benefits are not bounty and it is a deferred portion of wages for the services rendered by an employee. Hence, non payment of terminal benefits to the employees without any valid reason, is no doubt, a violation of right to Life enshrined under Article 21 of the Constitution of India. The State being a modal employer, has to settle the benefits to its employees and immediately after their retirement and it is the duty mandated on the part of the State to settle the terminal benefits. Therefore, this Court is of the view that batch of writ petitions are filed before this Court seeking direction to pay terminal benefits and the attitude of the respondents driving the retired employees to approach this Court under Article 226 of the Constitution of India, is deprecated.

5. In view of the above, this Court is inclined to follow earlier directions granted by this Court and by following the terms stated therein. Accordingly, the Writ Petition stands disposed of and the respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A. (MD) Nos.383 to 457 of 2015 (K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation, Madurai Limited rep. by its Managing Director, Madurai and others) dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.06.2018. However, there shall be no order as to costs.

3. In view of the above judgment cited supra, the respondents are directed to consider the case of the petitioners, as per the

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service records and eligibility, and take a decision and pass appropriate orders as expeditiously as possible. Accordingly, the Writ Petitions stand disposed of. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Thirunelveli Division, K.T.C.Nagar,
Thirunelveli-627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Nagercoil Region, Rani Thottam,
Nagercoil,
Kanyakumari-629 001.

+5 CC to M/s.A.K. THANGAVELU, Advocate (SR-18417[F],
18421,18420,,18419,18418 dated 13/04/2022)

+4 CC to M/s.R. RAJAMOHAN, Advocate (SR-18786[F],18783,18785,18787
dated 13/04/2022)

W.P. (MD) Nos.6068 to 6072 of 2022

11.04.2022

SB (CO)

KB(05.05.2022) 3P 13C