



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.6056 of 2022

P.Selvaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation(Tirunelveli)Ltd.,
Corporate Office, V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District-627 003.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Rani Thottam,
Nesamony Nagar, Nagercoil,
Kanyakumari District.

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

... Respondents

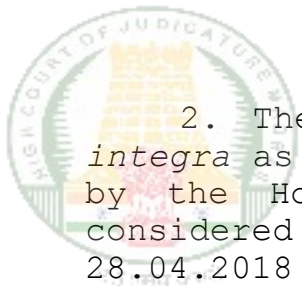
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the interest at the rate of 6% per annum for the belated payment of the petitioner's terminal benefits including Gratuity, Provident Fund and Earned Leave Surrender from the date of his retirement ie., on 31.05.2018 to 23.09.2019.

For Petitioner : Mr.P.Arun Jeyatram

For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

The relief sought for in the present Writ petition is to direct the respondents to settle the interest at the rate of 6% per annum for the belated payment of the petitioner's terminal benefits including Gratuity, Provident Fund and Earned Leave Surrender from the date of his retirement ie., on 31.05.2018 to 23.09.2019.



2. The issues raised in this writ petition 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 petitioner, as per the service records and eligibility, and take a decision and pass appropriate orders as expeditiously as possible. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Managing Director,
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3.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-19112[F] dated 18/04/2022)

+1 CC to M/s.P. ARUN JAYATRAM, Advocate (SR-19423[F] dated
19/04/2022)

W.P. (MD)No.6056 of 2022

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RK(05/05/2022) 3P 6C