



WEB COPY



W.P.No.10098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 10098 of 2023

J.Sankaran

... Petitioner

Versus

The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd, Vazhudha Reddy Salai,
Villupuram District – 605 602.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondent to settle one time payment of the entire retirement benefits of the petitioner i.e. Provident fund, Gratuity, Commutation Fund, Leave Encashment, College Fund, SSS Fund and other attendant benefits and enhanced dearness allowances along with 18 percent interest on delayed payment from 31.01.2023 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.Venkatesaperumal
Standing Counsel



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ORDER

The writ petition has been filed to direct the respondent to settle one time payment of the entire retirement benefits of the petitioner i.e. Provident fund, Gratuity, Commutation Fund, Leave Encashment, College Fund, SSS Fund and other attendant benefits and enhanced dearness allowances along with 18 percent interest on delayed payment from 31.01.2023 to till the date of disbursement of the terminal benefits to the petitioner.

2. The learned Counsel for the petitioner would submit that the petitioner joined in the service of the respondent's corporation as Conductor on 18.08.1997 and continued to work upto 31.01.2023 and retired from service on attainment of superannuation after completion of 25 years of service. It is his contention that after his retirement, the respondent corporation had not disbursed the terminal benefits till date. Further, the respondent corporation had paid the Provident Fund amount only but had not settled the other terminal benefits. The terminal benefits as on the date of retirement after taking into the account of the enhanced dearness allowances



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are Provident Fund, Gratuity, Commutation Fund, Leave Encashment, College Fund and SSS fund. Further, as per the provisions of Payment of Gratuity, the gratuity becomes payable on the date of superannuation or on the date of retirement of the employer. In this case, inspite of retirement on 31.01.2023, the respondent corporation has not disbursed the retirement benefits. He would submit that the Hon'ble Apex Court has also held in many judgments that if the employer is unable to disburse the terminal benefits then in such case, the employer has to pay the interest at the rate of 18 % calculated from the date of retirement and date of payment for the belated disbursement of terminal benefits.

3. He would also submit that due to non disbursement of his terminal benefits, the petitioner made a representation on 06.02.2023 to the respondent Corporation and requested to pay the terminal benefits. However, since no action was taken on the part of the respondent Corporation till date, the petitioner is constrained to file this present Writ Petition before this Court. Hence, he seeks direction to disburse the retirement benefits after duly taking into account the enhanced dearness allowances to the petitioner to till the retirement benefits are paid and with interest at the rate of 18% for



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delayed payment of retirement benefits to the petitioner.

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4. The learned Standing Counsel appearing for the respondent Corporation submitted that the representation given by the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits and in accordance with law.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents corporation.

6. In view of the above facts and circumstances of the case, this Court is of the view that so far, the respondent had settled the retirement benefits to persons who have retired on or before November 2022. The persons, who have retired after November 2022, they have to pay the same as per the seniority of retirement. The respondent Corporation is directed to consider the petitioner's representation dated 06.02.2023 as per the seniority of settlement and pass appropriate orders on its own merits and in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No order as to costs.

31.03.2023

Index: Yes/ No
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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Ltd, Vazhudha Reddy Salai,
Villupuram District – 605 602.



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V.BHAVANI SUBBAROYAN, J.

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