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W.P.No.12843 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12843 of 2022
and WMP No.12307 of 2022

S.Geethapathy

...Petitioner

Vs

1. The Additional Chief Secretary to
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Pallavan Salai,
Chennai-600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation Pension Trust,
SETC Campus,
Pallavan Salai,
Chennai-600 002.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of directing the respondents 2 and 3 to forthwith sanction and disburse the retirement benefits of the petitioner namely the monthly pension, commutation, gratuity, leave salary, provident fund and all other eligible retirement benefits forthwith and also to pay the interest of 12% on the delayed payment of the above amounts from 31.07.2015 till the date of payment of the said amounts.

For Petitioner : Mr.P.Srinivas

For Respondents : Ms.V.Yamuna Devi
Special Government Pleader
For R.1
Mr.A.Vinoth Raj
Standing Counsel
For R.2
Mr.C.S.K.Sathish
Standing Counsel
For R.3

ORDER

Heard Mr.P.Srinivas, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for the first respondent, Mr.A.Vinoth Raj, learned Standing Counsel for the second respondent and Mr.C.S.K.Sathish, learned Standing Counsel for the third



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respondent.

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2. The petitioner, while serving as Junior Engineer under the second respondent Corporation, retired from service on 31.07.2015 and relieving order was also issued to him. Since his retirement benefits were not disbursed by the respondents herein, he made a representation to the second respondent on 05.08.2015. Since his representation was not considered within the reasonable time, he had sent reminders thereafter to the respondents and in this background, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the respondents have imposed various punishments against the petitioner for the period between 2011 and 2013 when he was in service, which are all in the nature of stoppage of increments. According to the learned counsel, all these punishments were given effect to. He further submits that the petitioner had filed appeals against these punishments and the same are



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pending and in case, the petitioner succeeds in these appeals, he reserves his right to seek for recovery of increments that were stopped.

4. On the contrary, learned counsel for the respondents submits that after the petitioner had retired from service, he had not submitted the necessary application in a proper format so as to enable them to disburse the retirement benefits. He also submits that they have not received cheque slip from the petitioner for disbursement of monthly pension, commutation, gratuity, leave salary, provident fund .

5. When the petitioner had reached the age of superannuation, the then punishments were given to him were already given effect to. As such, the imposition of these punishments cannot be an impediment for the respondents to stop or deny the retirement benefits. The only reason assigned by the respondents is that he had not made an application in a proper format and this Court expresses its dissatisfaction in the manner in which the respondents have given a reason for denying the legitimate



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entitlement of Transport Corporation employee to receive his pensionary benefits, to which, he is otherwise eligible.

6. When he had reached the age of superannuation, he was given the relieving order on 31.07.2015 itself and immediately, on 05.08.2015, he had given a representation to the second respondent, seeking for disbursement of the retirement benefits. The respondents have not acted on his representation by calling upon the petitioner to submit the application in the required format, if that was the only reason for not disbursing the amount. This apart, the petitioner had also given representation to the first respondent on 23.02.2018 with a similar claim. All these representations were kept in cold storage and was not acted upon expeditiously. In view of this illegal inaction on the part of the respondents, the petitioner would be entitled for interest on the retirement benefits, payable to him.

7. In the light of the above findings and observations, there shall be



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a direction to the respondents herein to forthwith pass orders, sanctioning and disbursing the retirement benefits to the petitioner, including his pensionary benefits, together with interest at the rate of 6% from the date of his superannuation, till the date of disbursal, on the entire arrears payable to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

28.11.2023

Index:Yes
Internet:Yes
sr



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To

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M.S.RAMESH,J.

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