



W.P(MD)No.7470 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7470 of 2023

S.Thirumalaikumar

... Petitioner

Vs.

1.The Management of Tamil Nadu State
Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed 2nd respondent in reference No.Virudhu/Nir/A1/273-3 dated 31.12.2022,



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quash the same insofar as allowing the petitioner to retire from service without prejudice to pending Industrial Dispute and a Writ Proceeding against award of the Labour Court and insofar as withholding 25 percent of his pension and withholding other terminal benefits such as Provident Fund, Gratuity, Leave Salary etc., as illegal, non-est in law and consequently direct the respondents to settle all the terminal benefits payable to the petitioner including full monthly pension, Provident Fund, Gratuity, Leave Salary, Social Security Scheme Amount, refund of his contribution made towards medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 31.12.2022 till the date on which the aforesaid terminal amounts are disbursed to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Ramachandra Pradeep,
Standing Counsel for R1 & R2.
Mr.S.C.Herold Singh,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed as Special Grade Driver in the respondent corporation. He retired from service on 31.12.2022.

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However, his terminal benefits have not been disbursed by citing the pendency of litigation between the parties. It appears that there are two cases involving the petitioner namely., I.D.No.119 of 2004 and I.D.No.30 of 2019. Against the award made in I.D.No.119 of 2004, writ petition is said to have been filed by the management.

3.Be that as it may, by citing the pendency of labour disputes, disbursement of terminal benefits by computing the admitted position cannot be withheld. The respondents are therefore directed to disburse the admitted terminal benefits that are due to be paid to the writ petitioner herein. This shall be done as expeditiously as possible. The order impugned in this writ petition is set aside and the writ petition is allowed. No costs.

27.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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