



W.P.(MD).No.16615 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16615 of 2023

P.Murugesan

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam, Nagercoil.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, leave salary, Earned Leave Wages for 19 days and Dearness Allowance payable to the petitioner along with monthly pension with reasonable rate of interest as per the settlement U/s.12(3) of ID Act with reasonable rate of interest within a time stipulated by this Court.



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W.P.(MD).No.16615 of 2023

For Petitioner : Mr.G.M.Xavier

For R1 : Mr.D.Jebaraj

For R1 : Mr.S.C.Herold Singh

ORDER

The present writ petition has been filed seeking direction to the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, leave salary, Earned Leave Wages for 19 days and Dearness Allowance payable to the petitioner along with monthly pension with reasonable rate of interest as per the settlement U/s.12(3) of ID Act with reasonable rate of interest within a time stipulated by this Court.

2. The petitioner was employed as Driver in Tamil Nadu State Transport Corporation (Tirunelveli) limited at V.K.Puram Branch with effect from 07.08.1998. He retired from service with effect from 30.04.2023. Even after the retirement, the respondents did not settle the petitioner's pensionary benefits including gratuity, commutation of pension, earned leave wages for 19 days and dearness allowance payable to him along with monthly pension. Hence, the petitioner made several representations in this regard and lastly on 23.06.2023 which also did not evoke any response from the respondents. It is needless to



W.P.(MD).No.16615 of 2023

say that the respondents are bound to settle the pension benefits immediately on the date of retirement and any delay in settlement of pension benefits would amount to violation of right of livelihood guaranteed Article 21 of the Constitution of India.

3. Heard Mr.G.M.Xavier, learned counsel for the petitioner, Mr.D.Jebaraj, learned counsel for R1 and Mr.S.C.Herold Singh, learned counsel for R2.

4. In view of the same, this Court is inclined to allow this writ petition directing the respondents to settle all the retirement benefits to the petitioner. However, this Court would specifically mention that dearness allowance payable to the petitioner would be considered as per the settlement under 12(3) of Industrial Disputes Act. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. In such terms, this Writ Petition stands disposed of. No costs.

11.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD).No.16615 of 2023

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W.P.(MD).No.16615 of 2023

L.VICTORIA GOWRI, J.

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W.P.(MD).No.16615 of 2023

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