



W.P.(MD).No.19194 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19194 of 2023

M.Mariyappan

... Petitioner

Vs.

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

**2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
Madurai.**

**3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund 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 second respondent in Reference No.Nirvagam/A5/101/2023-07 Administrative Department, Madurai region, dated 30.06.2023, quash the same in so far as relieving the petitioner subject to



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outcome of I.D.No. 20 of 2022 on the file of the Labour Court, Madurai and in so far as withholding his entire retirement benefits such as PF, Gratuity, Terminal Leave Salary, Surrender Leave Salary, Commuted Value of Pension, Full Monthly Pension and Post Retirement Benefit Scheme Amount as illegal, non-est in law and consequently direct the respondents to settle all the retirement benefits payable to him including PF, Gratuity, Terminal Leave Salary, Surrender Leave Salary, Commuted Value of Pension, Full Monthly Pension, Post Retirement Benefit Scheme Amount and refund of his contribution made to medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 30.06.2023 to till the date on which the aforesaid terminal amounts are disbursed to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the second respondent in Reference No.Nirvagam/A5/101/2023-07 Administrative Department, Madurai region, dated 30.06.2023, quash the same in so far as relieving the petitioner subject to outcome of I.D.No. 20 of 2022 on the file of



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the Labour Court, Madurai and in so far as withholding his entire retirement benefits such as PF, Gratuity, Terminal Leave Salary, Surrender Leave Salary, Commuted Value of Pension, Full Monthly Pension and Post Retirement Benefit Scheme Amount as illegal, non-est in law and consequently direct the respondents to settle all the retirement benefits payable to him including PF, Gratuity, Terminal Leave Salay, Surrender Leave Salary, Commuted Value of Pension, Full Monthly Pension, Post Retirement Benefit Scheme Amount and refund of his contribution made to medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 30.06.2023 to till the date on which the aforesaid terminal amounts are disbursed to the petitioner.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner joined the first respondent Corporation as Driver on 14.08.1993. He retired from service on 30.06.2023 and his staff number is DR 09323. By impugned order, dated 30.06.2023, the second respondent relieved the petitioner from duty on account of his superannuation. However, the



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impugned order did not state anything about the settlement of terminal benefits payable to the petitioner. Further the respondents have decided to pay only the provisional pension to the petitioner since full pension is not sanctioned to the petitioner, on the ground that an industrial dispute in I.D.No.20 of 2022 is pending before the Labour Court, Madurai.

4. This Court in W.P(MD)No.12998 of 2023, dated 06.06.2023 while dealing with the similar case has passed favorable order to the petitioner therein and the relevant portion of which is extracted as follows:

“3. Citing the pendency of ID, disbursement of terminal benefits by computing the admitted position cannot be withheld. The respondents are therefore directed to disburse the admitted terminal benefits that is due to be paid to the petitioner. This shall be done as expeditiously as possible. The order impugned in this writ petition is set aside. This writ petition stands allowed.”

5. I am fully in consonance with that order passed by this Court and in view of the same, this Court hereby directs the respondents to disburse the terminal benefits by computing the admitted terminal benefits which is due to be paid to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Madurai) Limited,
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
Madurai.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
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L.VICTORIA GOWRI, J.

BTR

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