



W.P(MD)No.25020 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25020 of 2022

N.Vijayakumar

... Petitioner

Vs.

1.The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Represented by its Managing Director,
No.2, Pallavan Salai, Chennai.

2.The Senior Deputy Manager,
(Human Resources Development),
No.2, Pallavan Salai, Chennai.

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, to call for the records pertaining to the impugned order of the second respondent in Letter No. 110881/C3/SETC/2022, dated 28.09.2022, quash the same insofar as not fixing any time limit to pay the petitioner's terminal benefits and by stating that the



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same will be settled subject to seniority depending upon the funds received from the Government and consequently, direct the respondents to settle the petitioner's gratuity, leave salary, commuted value of pension and the balance amount towards provident fund with interest at 6% per annum from the date of his retirement to till the date of disbursing the amounts to the petitioner.

For Petitioner : Mr.A.Rahul

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

ORDER

Heard the learned counsel on either side.

2. The petitioner is a retired employee of the respondent corporation. By the impugned communication dated 28.09.2022, the petitioner has been informed that the benefits payable to him will be settled subject to seniority.

3. This stand of the corporation cannot be accepted. When the petitioner had served the corporation and has reached the age of superannuation, within a reasonable period, his benefits will have to be necessarily settled. However, considering the financial distress which the corporation is facing, they are permitted to pay terminal benefits to the petitioner in 8 monthly installments. The petitioner's counsel states that the petitioner's daughter is to be given in marriage in May 2023. I therefore direct the respondent corporation to pay 30% of the amount before the end of April 2023. The remaining amount can be paid in 7 installments.



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4. The Writ Petition is allowed. No costs.

30.03.2023

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

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