



WEB COPY



W.P. No.6104 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6104 of 2018
and
W.M.P.No.7524 of 2018

K.Vedachalam (Deceased)

2.Vedavalli

3.Deenadhayalan

4.Thiyagarajan

5.Harikrishnan

6.Subramani

... Petitioner

*P2 to P6 are substituted as LR's of deceased P1, as per order dated 23.09.2024 in WMP.No.29722 of 2024.

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Vizhupuram Division -3, Vizhupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram Zone, Kancheepuram

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,

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praying for issuance of Writ of Mandamus directing the respondents herein to settle the petitioner's service benefits i.e., Provident fund, pension, gratuity, earned leave and arrears of pay from 19-7-2013 to 2016.

For Petitioner : Mr.S.Ravi

For R1 & R2 : Mr.M.Aswin

ORDER

This writ petition has been filed seeking writ of mandamus directing the respondents to settle the terminal benefits such as Provident fund, Pension, Gratuity, Earned leave and Arrears of Pay etc., of the original petitioner who worked as Senior Conductor in the respondent Corporation and retired from service on 31.01.2018.

2. During the pendency of the writ petition, the original writ petitioner died and his legal representatives were brought on record. After hearing the learned counsel for the petitioner, this Court does not find any justifiable reason for non-payment of terminal benefits payable to the original petitioner and hence, directed the Standing Counsel, Mr.M.Aswin to get instructions as to why the terminal benefits were not disbursed..

3. Today, when the matter is taken up for consideration, learned Standing Counsel submitted that the respondents will disburse the entire



terminal benefits within a period of twelve (12) weeks. This Court does not find any justification for granting twelve weeks, as the respondent Corporation deprived the original petitioner from enjoying the benefit of terminal benefits, who is no more now. Even after the demise of the original petitioner, the respondents are seeking twelve more weeks time for payment of terminal benefits.

4. The only reason for non disbursal of the terminal benefits is pendency of the writ petition wherein, the petitioner challenged the order of punishment. The pendency of the writ petition, under no circumstances, can be said to be an impediment for disbursal of the terminal benefits of the petitioner. Hence, the action of the respondents in non disbursal of the terminal benefits is fully arbitrary, illegal and violative of Article 14, 21 & 300A of Constitution of India.

5. In the circumstances, this writ petition is allowed with cost directing the respondents to disburse all the terminal benefits that are payable to the deceased writ petitioner with 6% interest per annum duly disbursing the



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same in favour of the petitioners 2 to 6 herein within a period of eight (8) weeks from today. The respondents shall also pay the cost of Rs.25,000/- to the petitioners.

6. The connected miscellaneous petitions, if any shall stand closed.

26.09.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Vizhupuram Division -3, Vizhupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram Zone, Kancheepuram

MUMMINENI SUDHEER KUMAR,J.

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