



W.P.(MD).No.8690 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8690 of 2021

R.Arulanandam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye-pass Road, Madurai – 625 010.

2.The Administrator,
The State Transport Corporation Employees'
Pension Fund Trust,
Office of S.E.T.C. 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 herein to settle the entire terminal benefits with interest at the rate of 18% from 30.04.2014.

For Petitioner : Mr.K.S.Muthu

For Respondents : Mr.J.Senthil Kumaraiah for R1

Mr.S.C.Herold Singh for R2



W.P.(MD).No.8690 of 2021

ORDER

The present writ petition has been filed seeking a direction to the respondents herein to settle the entire terminal benefits with interest at the rate of 18% from 30.04.2014.

2.The petitioner was appointed by the first respondent Corporation on 01.01.1981 as Technical Trainee and his service was confirmed on 01.01.1983. Further, he was working as Assistant Engineer from 01.07.1986 and further, promoted as Assistant Manager from 11.04.2007 in Dindigul Region of the respondent Corporation. On attaining the age of superannuation, on 30.04.2014, he was allowed to retire vide proceedings of the respondent Corporation at Madurai, dated 30.04.2014, with a specific mention that he was relieved from service on the afternoon of 30.04.2014 without prejudice to the outcome of M.P.(MD).No.1 of 2021 in W.P.(MD).No.5418 of 2011 pending before this Court. Even after the disposal of the main writ petition in W.P. (MD).No.5418 of 2011, so far the petitioner's terminal benefits is not sanctioned by the respondent authorities. In view of the same, this writ petition came to be filed.



W.P.(MD).No.8690 of 2021

3.The learned counsel for the petitioner emphatically submitted that pension is not a bounty and the respondents are not entitled to compel the petitioner to wait to receive his terminal benefits endlessly, for more than 10 years. Condemning the callousness of the respondent Corporation, he pressed for allowing the writ petition.

4.The learned standing counsel appearing for the first respondent Mr.J.Senthil Kumaraiah and the learned counsel appearing for the second respondent Mr.S.C.Herold Singh, submitted that the petitioner's claim could be considered only after he is able to produce the No Objection Certificate as obtained from the RMTC Employees Co-operative Society Limited.

5.Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents. Anxiously perused the materials available on record.

6.No doubt, the petitioner was allowed to retire by the proceedings of the first respondent vide Ref:89/HRD/CA1/TNSTC/MDU/2014, dated 30.04.2014, specifically pointing out that his retirement shall be without prejudice to the outcome of M.P.(MD).No.1 of 2021 in W.P.(MD).No.5418 of 2011 pending



W.P.(MD).No.8690 of 2021

before this Court at that point of time. On 21.07.2014, the learned Single Judge of this Court has disposed of the main case in W.P.(MD).No.5418 of 2024, setting aside the impugned order challenged in the aforesaid writ petition, thereby, remanding the matter back to the Co-operative Tribunal, Madurai, with a specific direction to implead the co-operative Society namely MDA/HSO-112, RMTC Employees Co-operative Housing Society, Dindigul, as a party to the appeal and pass fresh orders, after affording sufficient opportunity to the society as well as the respondents in that writ petition.

7.The learned counsel for the petitioner submitted that the remanded matter is still pending before the Co-operative Tribunal, at Madurai.

8.The learned counsel for the respondents fairly considered that neither the petitioner was visited with any charge memo or any punishment was imposed on him as to the matter pending before the Co-operative Tribunal at Madurai. It was also brought to the notice of this Court that the Directors of the said Society, namely, Mr.S.Senrayan, Selection Grade Conductor and one Mr.R.Inba, Selection Grade Superintendent, were allowed to retire on 30.03.2018 and 30.05.2018 respectively and their terminal benefits were fully settled to them. However, yet another three persons, who are similarly placed as



W.P.(MD).No.8690 of 2021

that of the petitioner, were also allowed to retire from service along with the petitioner, and their terminal benefits were also settled. However, much to the prejudice of the petitioner, the respondents have kept the file of the petitioner in abeyance without sanctioning his terminal benefits and the same was also not denied by the counsels for the respondents. Having disbursed the terminal benefits of the similarly placed persons, the respondents ought not to have delayed the disbursement of pension benefits to the petitioner for more than a decade, for grant of pension is not a bounty, but a right of the Government employee, which flows from the relevant Pension Rules. Delay in settlement of retiral benefits would frustrate the whole object of grant of pension depriving the retired employee to penury during his old age. In the instant case, the petitioner is about 70 years and hence, the respondents should sanction and disburse his terminal benefits on a war foot manner.

9. In view of the same, this Court hereby directs the respondents to settle the entire terminal benefits of the petitioner to him with effect from 30.04.2014, along with interest at the rate of 6% from the date of retirement till the date of realization, within a period of (6) six weeks from the date of receipt of a copy of this order.



W.P.(MD).No.8690 of 2021

10. Accordingly, this writ petition stands allowed. No costs.

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03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
TM

To

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W.P.(MD).No.8690 of 2021

L.VICTORIA GOWRI, J.

TM

**ORDER IN
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