



W.P.(MD).No.9477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9477 of 2023

K.Sundar

... Petitioner

Vs.

The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road, Madurai – 10.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to disburse the all monetary and attendant benefits based on the award passed in the National Lok Adalat in W.P(MD) No.12081 of 2018, dated 08.02.2020 and the petitioner's representation dated 14.12.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Imran Khan

For Respondent : Mr.S.Raja
Standing Counsel



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ORDER

The instant Writ Petition has been filed by a Conductor of the respondent Transport Corporation, seeking a Mandamus to disburse all the monetary and attendant benefits based upon the National Lok Adalat award passed in W.P(MD) No.12081 of 2018, dated 08.02.2020.

2. A perusal of the Lok Adalat Award reveals that the following settlement has been reached between the parties:

1. The Management agrees to treat the dismissal of the Workman as compulsory retirement on 09.07.2012.

2. The workman agrees to receive pension from 01.06.2015 onwards and eligible terminal benefits less the dues, if any, payable by him. He further agrees not to claim pension arrears for the period from 09.07.2012 to 31.05.2015.

3. The workman agrees not to claim any backwages for the period of non-employment from 09.07.2012 to 31.05.2015 and last drawn wage under Section 17-B of the Industrial Disputes Act, 1947 for the period from 09.02.2015 to 31.05.2015 as per the interim order dated 07.03.2019 passed in



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W.M.P(MD) No.16129 of 2017 in W.P(MD) No. 1690 of 2015.

4. The workman agrees to withdraw W.P(MD) No.12081 of 2018.

3. According to the learned counsel appearing for the writ petitioner, the benefits which were agreed to be disbursed by the Transport Corporation were not released by the Management. Hence, the present writ petition.

4. The respondent Transport Corporation has filed a counter. Paragraph Nos.7 and 8 of the counter are extracted as follows:

“7. I humbly submit that based on the above said LokAdalat order respondent Corporation modified the dismissal order as compulsory retirement to the petitioner as per reference TNSTC/Admn/A3/5343/2018, dated 15.07.2020 and eligible retirement benefits settled to the petitioner as follows:



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Sl. No.	Details	Amount in Rupees
1	Provident Fund Amount	2,42,058/- Cheque No.959078, Dt.17.06.2021
2	Gratuity Amount	3,30,278/- Cheque No.8897 Dated 12.03.2021
3.	Institute of Road Transport Contribution Amount	4,360/- Cheque No.709751 Dated 10.07.2020
4.	Pension amount	7,916/- Paid from Sep-2020
5.	Pension Arrears period from 2015 to 2020	Rs.4,98,066/- in 5 Monthly Instalments from 27.01.2022 to 13.05.2022

8. I humbly submit that since all eligible benefits are already settled to the petitioner the claim made by the petitioner is not sustainable in law”.

5. A perusal of the counter affidavit would clearly reveal that though the Lok Adalat had passed an award on 08.02.2020, belatedly the terminal benefits have been released by the respondent Transport Corporation. In such circumstances, the petitioner would certainly be entitled to seek interest for the belated disbursement of the award amount.



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6. In view of the above said facts, the respondent Transport Corporation is directed to pay interest at the rate of 6% p.a., from the date of award till the date of disbursement, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

14.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division,
Bye Pass Road, Madurai - 10



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R.VIJAYAKUMAR,J.

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