



WP.(MD).No.13706 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13706 of 2023

R.Subbaiyan

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.

3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed 2nd respondent in reference No.ThAaPoKa/Kumba/Karur/PaPi-Pi1/249/2023 dated 26.05.2023, quash the same in so far as



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withholding settlement of terminal benefits of the petitioner as illegal, non-est in law and consequently direct the respondents to settle all the terminal benefits payable to him including full monthly pension, Provident Fund, Gratuity, Leave Salary, social security scheme amount, refund of the petitioner contribution made towards medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 31.05.2023 to till the date on which the aforesaid terminal amounts are disbursed to him.

For Petitioner : Mr.A.Rahul
For Respondents 1 & 2: Mr.K.Jegadeesh Balan
Standing Counsel
For 3rd Respondent : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed 2nd respondent in reference No.ThAaPoKa/Kumba/Karur/PaPi-Pi1/249/2023 dated 26.05.2023 in so far as withholding settlement of terminal benefits of the petitioner as illegal, non-est in law and consequently to direct the respondents to settle all the terminal benefits payable to him including full monthly pension, Provident Fund, Gratuity, Leave Salary, social security scheme amount, refund of the petitioner contribution made towards medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 31.05.2023



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to till the date on which the aforesaid terminal amounts are disbursed to him.

2.The petitioner joined in the first respondent Corporation as Driver on 29.09.1992. Since the date of superannuation fell on 31.05.2023, he was allowed to retire from service with effect from 31.05.2023 without prejudice to the outcome of pending Writ Petitions in W.P.(MD)Nos.24106 and 24107 of 2022. The aforesaid Writ Petitions were filed by the petitioner challenging punishment such as reduction in pay by one stage and stoppage of increment for six months with cumulative effect imposed on the petitioner. Further the petitioner's settlement of terminal benefits were also put on hold till the disposal of the aforesaid Writ Petition. Aggrieved by the same, the petitioner has filed this Writ Petition.

3.The learned counsel for the petitioner Mr.A.Rahul relying upon the order passed by me in W.P.(MD)No.21038 of 2023 dated 08.01.2024, submitted that the fact in issue in this case is squarely covered by the said order passed by me and in view of the same, sought for passing a similar order and pressed for allowing the Writ Petition.



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4.Per contra the respondents 1 and 2 have filed a counter and the learned Standing Counsel for the respondents 1 and 2 Mr.K.Jegadeesh Balan submitted that the petitioner without exhausting the alternative remedy available under law before the Labour Court has directly rushed to the High Court and on that basis pressed for dismissal of the Writ Petition.

5.Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.K.Jegadeesh Balan, learned Standing Counsel appearing for the respondents 1 and 2, Mr.S.C.Herold Singh, learned Standing Counsel appearing for the third respondent and carefully perused the entire materials available on record.

6.A careful perusal of the impugned order dated 26.05.2023 would reveal that the petitioner's settlement of terminal benefits has been withheld by the respondents citing the pending of W.P. (MD)Nos.24106 and 24107 of 2022. As rightly pointed out by the learned counsel for the petitioner, I have dealt with a similar case in W.P.(MD)No.21038 of 2023 and the relevant portion of which, is



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extracted as follows:-

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"5. The matter in hand is no more res integra. This Court has already dealt with a similar matter in W.P(MD)No.7470 of 2023 (S.Thirumalaikumar Vs. The Management of Tamil Nadu State Transport Corporation (Madurai) Limited & Others), dated 27.06.2023 and has passed favourable orders to the petitioner. The relevant portion of which is extracted as follows:

'3.Be that as it may, by citing the pendency of labour disputes, disbursement of terminal benefits by computing the admitted position cannot be withheld. The respondents are therefore directed to disburse the admitted terminal benefits that are due to be paid to the writ petitioner herein.....?

6. Considering the similar nature of the instant case, this Court hereby observe that citing the pendency of labour disputes, disbursement of terminal benefits by computing the admitted position cannot be withheld. In view of the same, respondents are directed to disburse the admitted terminal benefits that are due to be paid to the writ petitioner along with 6% interest for the belated period of payment. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order."

7.Fully fortified by the said order, I hereby observe that the pendency of the Writ Petitions will in no way absolve the duty of the respondents from paying the terminal benefits to the petitioner. In view of the same, I hereby direct the respondents to disburse the admitted terminal benefits that are due to be paid to the petitioner



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along with 6% for the belated period of payment within a period of twelve weeks from the date of receipt of copy of this order.

8.In view of the above, this Writ Petition stands disposed of.

There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

- 1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Trust,
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L.VICTORIA GOWRI, J.

Mrn

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