



W.P.(MD).No.21038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21038 of 2023

K.Nallamuthu

... Petitioner

Vs.

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

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

3.The Administrator,
The Tamil Nadu State Transport Corporation
Employee's 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 impugned order passed by the 2nd respondent in Reference No.TNSTC/ Kumba/ Pudhu/E1/ 177-1/ 2023, dated 25.04.2023, quash the same in so far as allowing the petitioner to retire from service without prejudice to



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pending Industrial Dispute in ID.No.18/2020 on the file of the Labour Court, Trichy and in so far as withholding his retirement benefits such as full monthly pension, Provident Fund, Gratuity, terminal Leave Salary, Surrender Leave Salary, Cholan Employees Security Scheme amount, Post Retirement Benefit Scheme amount and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of road Transport as illegal, non-est in law and consequently direct the respondents to settle all the retirement benefits payable to him including full monthly pension, Provident Fund, Tratuity, terminal Leave Salary, Surrender leave salary, Cholan Employees Security Scheme amount, Post Retirement Benefit Scheme Amount and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of road Transport together with interest at the rate of 6% per annum payable from 30.04.2023 to till the date on which the aforesaid terminal amounts are disbursed to him.

For Petitioner : Mr.A.Rahul

For R1 & R2 : Mr.K.Ramaiah
Standing Counsel

For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed to to call for the records pertaining to impugned order passed by the 2nd respondent in Reference No.TNSTC/ Kumba/ Pudhu/E1/ 177-1/ 2023, dated 25.04.2023, quash the same



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in so far as allowing the petitioner to retire from service without prejudice to pending Industrial Dispute in ID.No.18/2020 on the file of the Labour Court, Trichy and in so far as withholding his retirement benefits such as full monthly pension, Provident Fund, Gratuity, terminal Leave Salary, Surrender Leave Salary, Cholan Employees Security Scheme amount, Post Retirement Benefit Scheme amount and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of road Transport as illegal, non-est in law and consequently direct the respondents to settle all the retirement benefits payable to him including full monthly pension, Provident Fund, Tratuity, terminal Leave Salary, Surrender leave salary, Cholan Employees Security Scheme amount, Post Retirement Benefit Scheme Amount and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of road Transport together with interest at the rate of 6% per annum payable from 30.04.2023 to till the date on which the aforesaid terminal amounts are disbursed to him.

2. The petitioner joined in the respondent Corporation as Conductor with effect from 07.12.1991 and on attaining the age of superannuation, he retired on 30.04.2023 and he was allowed to retire on the same day by the order of the



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2nd respondent, dated 25.04.2023. However, even after a period of 6 months, the terminal benefits of the petitioner has not been released by the respondent Corporation. The petitioner came to understand that while in service, he was imposed with punishment of stoppage of annual increment for 2 years with cumulative effect by an order, dated 05.12.2001 passed by the 2nd respondent. By another order, dated 13.03.1998, he was also imposed with stoppage of increment for one year with cumulative effect. Challenging the same, the petitioner had preferred an Industrial Dispute in I.D.No.18 of 2020 on the file of the Labour Court, Trichy and the same is pending. Citing the said pendency of I.D.No.18 of 2020, the respondents are causing delay in releasing the terminal benefits of the petitioner. Hence, he made a representation on 11.07.2023 to settle his terminal benefits. Since no action was taken, this writ petition came to be filed challenging the order passed by the 2nd respondent, dated 25.04.2023 permitting the petitioner to retire from service with effect from 30.04.2023 without prejudice to the pendency of I.D.No.18 of 2020 on the file of the Labour Court, Trichy and thereafter, seeking to settle his terminal benefits.



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3. Per contra, the learned Standing Counsel appearing for the respondents has filed a counter and submitted that the terminal benefits of the petitioner could not be settled unless and until the Industrial Dispute is disposed off, which is pending before the Labour Court, Trichy.

4. Heard the learned counsels on either side and perused the materials available on record.

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.....”



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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. With the above said observations, this Writ Petition stands disposed of. No costs.

08.01.2024

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

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To

1. The Managing Director,
The Management of Tamil Nadu,
State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.



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L.VICTORIA GOWRI, J.

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