



W.P.(MD)No.8540 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8540 of 2025

R.Velayutha Perumal Pillai

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Rep by its Managing Director,
Kattapomman Nagar, V.M.Chathiram
Tirunelveli.

2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rep by its General Manager,
Ranithottam, Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the petitioner Rs.14,37,923/- towards Gratuity, Rs.14,36,099/- towards EPF Employees Contribution Rs,4,98,353/- towards leave salary and other retirement benefits together with 18% interest per annum, within a time frame as may be fixed by this Court without affecting the petitioners right to claim balance amounts towards those benefits.



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W.P.(MD)No.8540 of 2025

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

This writ petition is filed seeking a direction to the respondents to settle the retirement benefits to the petitioner for a sum of Rs.14,37,923/- towards Gratuity, Rs.14,36,099/- towards EPF Employees Contribution Rs,4,98,353/- towards leave salary and other retirement benefits together with 18% interest per annum, within a time frame fixed by this Court.

2. The petitioner joined in the respondent Corporation as Conductor from 01.12.1992. After completion of 32 years of service and while he was working as Special Grade Conductor, retired from service on 30.04.2024 on attaining the age of superannuation. He is legally entitled to get terminal benefits from the respondents after retirement. But the respondents did not pay the terminal benefits immediately after his retirement. The petitioner sent a representation, dated 25.02.2025 to the respondents requesting to pay the terminal benefits with interest. But it was not considered. Aggrieved by the same, the petitioner filed this writ petition.



W.P.(MD)No.8540 of 2025

WEB COPY 3. The learned counsel for the petitioner submits that after retirement, the petitioner is entitled for all terminal benefits from the respondents. As no payment is made to him, he is suffering in poverty along with the family members apart from to meet the urgent needs in time. The learned counsel for the petitioner submits that in-action of the respondents in settling the terminal benefits immediately after his retirement is affecting his health also which is in violation of Article 21 of the Constitution of India.

4. The learned Standing Counsel for the respondents submits that the respondent Corporation is in financial crisis. They have to get funds from the State Government. Due to that reason, they could not settle the retirement benefits to the petitioner.

5. Having heard the submissions of the respective learned counsels and on perusal of the materials available on record, this Court is not in a position to accept the contention of the learned standing counsel for the respondents. After retirement, the petitioner is entitled for retirement benefits, for which he is legally entitled. Without settling the same, the respondents 2 and 3 committed



W.P.(MD)No.8540 of 2025

serious mistake by withholding the said benefits for the last one month, which is not permissible under the settled proposition of law. The retirement benefits such as provident fund, gratuity and other terminal benefits are not bountie. The respondents are not paying the said amount as charity to the petitioner. The Hon'ble Apex Court and this Court time and again held that the employees after retirement are entitled for all the retirement and terminal benefits, for which they are entitled, as a matter of right. In the present case, it appears that the respondents did not consider the representation, dated 25.02.2025 submitted by the petitioner to consider his grievance.

6. For the aforesaid reasons, this court intends to direct the respondents to settle all the terminal benefits for which the petitioner is entitled forthwith to the petitioner to meet the interest of justice.

7. Accordingly, this writ petition is allowed with the following directions:

1. The respondents are directed to settle all the terminal benefits for which the petitioner is entitled and also release the pension to the petitioner forthwith.



W.P.(MD)No.8540 of 2025

2. The respondents are directed to pay 6% interest for the belated payment of provident fund, gratuity and terminal leave salary from the date of his retirement till the date of actual payment to the petitioner.

No costs.

27.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam, Nagercoil.



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W.P.(MD)No.8540 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.8540 of 2025

27.03.2025