



W.P.(MD)No.10061 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.10061 of 2025

S.Sheik Abdullah

... Petitioner

Vs.

1. The General Manager,
The TamilNadu State Transport,
Corporation (Madurai) Ltd.,
Dindigul Region,
Collector Office (PO),
Dindigul-4.

2. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation of Pension, Earned Leave Wages for 58 days payable to him with 6% rate of



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interest within the time that may be stipulated by this Court.

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For Petitioner : Mr.G.M. Xavier

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

ORDER

Heard the learned Counsel for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel for the respondents and perused the material available on record.

2.This writ petition is filed by a Conductor in the respondent Transport Corporation, who retired on 28.02.2025, contending that the respondents have not settled his retirement benefits including Provident Fund, Gratuity, Commutation of Pension, Earned Leave Wages for 58 days payable to him with 6% rate of interest. He submitted a representation to the respondents on 16.02.2025 again on 21.03.2025. He submitted another representation in that regard, but there is no response from the respondents. Aggrieved by their inaction, the present writ petition is filed.



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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 committed serious



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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 bounty. 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 21.03.2025 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:

(i).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.

(ii) The respondents are directed to pay 6% interest for the belated



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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.

09.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
LR

To:

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BATTU DEVANAND, J.

LR

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