

W.P(MD)No.10806 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.10806 of 2025

M.Thirupathi

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 600 009.

2. The Tamil Nadu State Transport Corporation,
Represented by its Managing Director,
Madurai – 625 010.

3. The General Manger,
The Tamil nadu State Transport Corporation,
Madurai Region,
Madurai – 625 010.

4. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Chennai – 600 002.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Mandamus directing the respondents to settle the terminal benefits of a sum of Rs.52,99,304/- towards the payment under Post Retirement Benefit scheme altogether with 6% interest accrued thereon from 30.01.2024 till date of realization.

For Petitioner	: Mr.V.Boominathan
For R1 to R3	: Mr.K.Ramaiah Standing Counsel
For R4	: Mr.S.C.Herold Singh Standing Counsel

ORDER

This writ petition is filed seeking a direction to the respondents to settle the terminal benefits of a sum of Rs.52,99,304/- towards the payment under Post Retirement Benefit scheme altogether with 6% interest accrued thereon from 30.01.2024 till the date of realization.

2. Heard the learned counsel for the petitioner and the learned Standing Counsels appearing for the respondents and perused the materials available on record.



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3. The case of the petitioner is that he worked as Senior

Superintendent in the respondent Corporation and retired from service on attaining superannuation on 31.01.2024. After retirement he is getting monthly pension of Rs.27,164/-. But the terminal benefits for which the petitioner legally entitled are not disbursed yet. As per the petitioner, he is entitled for an amount of Rs.10,99,602/- towards commutation, Rs.18,08,603/- towards gratuity arrears, Rs.13,77,488/- towards Provident Fund arrears and Rs.10,13,611/- towards Earned Leave surrender arrears and totally a sum of Rs.52,99,304/- has to be disbursed to the petitioner.

4. It is the case of the petitioner that he was running from pillar

to post to get his terminal benefits. Every time the respondents give assurance to the petitioner to settle the same within one or two weeks. But no fruitful steps were taken. According to the petitioner, he is a senior citizen and has no other income to meet both the ends. He has to meet all his necessities for the family including the marriage of his daughter. In view of the same, he submitted a representation to the respondents on 28.03.2025 to release the terminal benefits. But there is



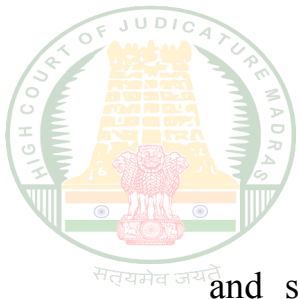
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no reply from the respondents. Aggrieved by the inaction of the respondents, the present writ petition is filed.

5. The learned counsel for the petitioner submits that the petitioner is entitled to get commutation, gratuity arrears, Provident Fund arrears and Earned Leave surrender arrears. The said amounts were also not disbursed by the respondents. The learned counsel for the petitioner submits that the petitioner has an unemployed son and a grown up unmarried daughter and if the retirement benefits are released, the petitioner can arrange marriage for his daughter for which the petitioner has to incur a huge expenses.

5. On careful perusal of the materials available on record, it appears that the petitioner retired from service on 31.01.2024 and the respondents allowed him to retire from service. In view of the same, it is clear that no charges are pending against the petitioner. As and when the petitioner is allowed to retire from service, it is the responsibility of the respondents to settle all retirement benefits to the petitioner. The retirement benefits such as Provident Fund, Earned Leave salary, gratuity



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and salary dues are payable to the petitioner immediately after his retirement or within a reasonable period. Paying the retirement benefits to the petitioner by the respondents is not a charity. The petitioner is entitled legally for the said retirement benefits. The action of the respondents in not settling the retirement benefits to the petitioner without any reason is to be declared as illegal, unjust and in violation of Article 21 of the Constitution of India.

6. This Court fully agrees with the submissions of the learned counsel for the petitioner. The respondents are not expected to withheld the retirement benefits for which the petitioner is legitimately entitled. The action of the respondents in not considering the representation dated 28.03.2025 of the petitioner and not acting upon the same is also illegal and unjust.

7. Considering all these aspects, this Court is holding that the action of the respondents in not disbursing the retirement benefits to the petitioner from 31.01.2024 is illegal, unjust and violative of Article 21 of the Constitution of India.



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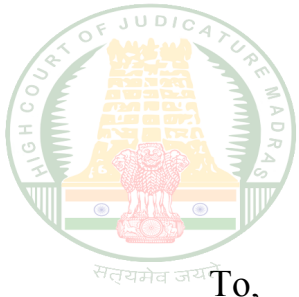
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8. Accordingly, this writ petition is allowed with a direction to the respondents to disburse the retirement benefits to the petitioner within a period of three weeks from the date of receipt of a copy of this order with interest at the rate of 6% per annum from his date of retirement.

There shall be no order as to costs.

21.04.2025

Index : Yes / No
NCC : Yes / No
CM



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BATTU DEVANAND, J.

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