BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.04.2025**

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.12252 of 2025

J.Radhakrishnan ...Petitioner

Vs.

1.The Additional Chief Secretary to
Government of Tamilnadu,
Transport Department,
Fort. St.George,
Chennai – 600 0009.

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

3.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Madurai – 625 010.

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

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 petitioner's retirement benefits including Provident Fund of Rs. 13,35,000/- Gratuity amount of Rs.17,24,385/- and Terminal leave Salary amount of Rs.2,98,000/-, surrender leave salary of Rs.21,000/- and Commuted value of Pension of Rs.10,23,284/- totaling to Rs.44,02,169/- (Forty Four Lakhs Two Thousand Hundred and Sixty Nine Only) together with interest at the rate of 6% per annum from the date of his retirement I.e. 31.05.2024 to till the date on which the said benefits are settled to him.

For Petitioner	:	Mr.A.Rahul
For R1	:	Mr.N.Satheesh Kumar Additional Government Advocate
For R2 & R3	:	Mr.Ramachandra Pradeep Standing Counsel
For R4	:	Mr.S.C.Herold Singh Standing Counsel

ORDER

This writ petition has been filed seeking a writ of Mandamus directing the respondents to settle the retirement benefits of the petitioner including provident fund, gratuity, terminal leave salary, surrender leave salary and commuted value of pension together with interest at the rate of 6% per annum from the date of his retirement i.e.31.05.2024 to till the date on which the said benefits are settled to him.

2. The facts of the case are that the petitioner joined in the first respondent Corporation as Driver with effect from 16.05.1992. After periodical promotion, the petitioner was promoted as Special Grade Driver. He retired from service on 31.05.2024 under voluntary retirement scheme due to illness. His actual date of superannuation is 30.06.2027. Though the respondents had allowed the petitioner to retire from service with effect from 31.05.2024 under voluntary retirement scheme, the retirement benefits were not disbursed to the petitioner. In fact, one year prior to his retirement, he can withdraw 90% of his total provident fund accumulation as per Rule 13(1)(j) of TNSTC Employees Provident Fund Trust Rules. The amount of Rs.13,35,000/- is lying in the provident fund account, out of which, the petitioner is entitled to withdraw 90% of the said amount. But the respondents did not permit the petitioner to withdraw the said amount. As per the petitioner, he is entitled for a sum of Rs.13,35,000/- towards provident fund, Rs.17,24,885/- towards gratuity, Rs.2,98,000/- towards terminal leave salary, Rs.21,000/- towards surrender leave salary and Rs.10,23,284 towards commuted value of pension. Totally, the petitioner is entitled for a sum of Rs.44,02,169/- after his retirement.

3. The learned counsel for the petitioner submits that the petitioner suffered from heart ailments for which huge amount was required for his treatment. The petitioner has applied for voluntary retirement with a hope that he can get terminal benefits much earlier which will be useful for treatment. But the terminal benefits were not disbursed even after 9 months from the date of his retirement. He borrowed funds from money lenders for his treatment. He needs funds to repay the same. Hence, he made representation, dated 04.04.2025 to the respondents. But till date, the amounts have not been paid. Aggrieved by the same, the petitioner approached this Court by filing this writ petition.

4. The learned Standing Counsel for the respondents 2 to 4 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 2 to 4. Admittedly, the petitioner was allowed to retire with effect from 31.05.2024. After retirement, the petitioner is entitled for retirement benefits, for which he is legally entitled. Without settling the same, the respondents committed serious mistake by withholding the said benefits for the last one year, 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 04.04.2025 submitted by the petitioner to redress 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 legally entitled towards provident fund, gratuity, terminal leave salary, surrender leave salary and commuted value of pension forthwith to the petitioner to meet the interest of justice.

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

1. The respondents 2 to 4 are directed to settle all the terminal benefits for which the petitioner is legally entitled and also release the pension to the petitioner forthwith.

2. The respondents 2 to 4 are directed to pay 6% interest towards provident fund, gratuity, terminal leave salary and surrender leave salary from the date of his retirement till the date of actual payment to the petitioner.

No costs.

28.04.2025

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

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To,

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BATTU DEVANAND, J.

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