



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.15706 of 2015

WEB COPY

1.M.Selvaraj
2.S.Jothimani

... Petitioners

Vs.

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

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

3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits of the petitioners including gratuity, commuted value of pension and leave salary with interest at the rate of 18% per annum within the time that may be stipulated by this Court and to grant them interest at the rate of 18% per annum for the belated settlement of their provident fund, Cholan Employees Security Scheme arrears and refund of Institute of Road Transport Contribution payable from their date of retirement to till the date on which the said benefits are settled to them within the time that may be stipulated by this Court.

For Petitioners : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

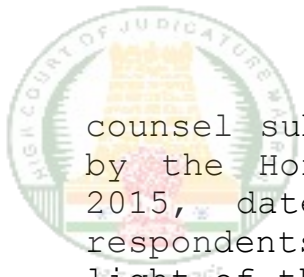
ORDER

The petitioners have been served in the Tamil Nadu State Transport Corporation, Madurai Division and they have retired from service on attaining the age of superannuation.

2.The grievance of the petitioners is that even after retirement, the respondent / Transport Corporation has not come forward to disburse the retirement benefits.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Mr.D.Sivaraman, learned standing counsel takes notice for the respondents / Transport Corporation. The learned standing



counsel submitted that the issue is covered by a judgment, passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015. He would further submit that the respondents would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.

WEB COPY

4.The judgment passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015 is extracted as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

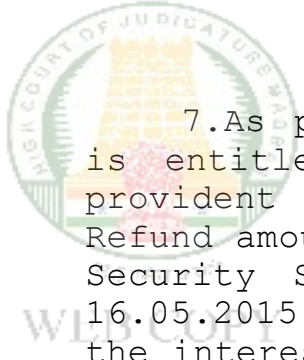
2.The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3.The instalments to be paid from July 2015 and each instalment should be paid on or before 7th of each month.

4.The writ appeals are disposed of accordingly. No costs."

5.The learned counsel appearing for the petitioners submitted that the petitioners' retirement date is 30.06.2014 and hence, the petitioners are entitled to get interest for the belated settlement of pension.

6.The learned standing counsel appearing for the respondents has produced a calculation sheet issued by the Assistant Manager, Disciplinary / Legal Section, Tamil Nadu State Transport Corporation, Kumbakonam Region. As per the working sheet, the petitioner viz., M.Selvaraj, is entitled to get Rs.6,35,526/- as retirement benefit. The provident fund amount has been settled on 21.08.2014 and IRT Refund amount has been settled on 14.11.2014. However, the Social Security Scheme (SSS) amount of Rs.27,000/- was paid only on 16.05.2015. Therefore, the respondents are directed to calculate the interest for making belated payment of Rs.27,000/- towards SSS at the rate of 6% interest per annum.



7.As per the working sheet, the petitioner viz.,S.Jothimani, is entitled to get Rs.5,86,356/- as retirement benefit. The provident fund amount has been settled on 20.08.2014 and IRT Refund amount has been settled on 01.09.2014. However, the Social Security Scheme (SSS) amount of Rs.27,000/- was paid only on 16.05.2015. Therefore, the respondents are directed to calculate the interest for making belated payment of Rs.27,000/- towards SSS at the rate of 6% interest per annum.

8.With regard to the delay in disbursement of the retirement, the petitioners are entitled to get 6% interest. The same shall be calculated and directed to be paid to the petitioners by 12 equal monthly instalments and the first instalment shall be commenced from 1st November 2015. It is made clear that along with the payment of pension amount, the said 6% interest for the belated payment also should be paid.

9.The Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Writ)

/TRUE COPY/

Sub Assistant Registrar

To

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

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

3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

+1 CC TO MR.A.RAHUL, ADVOCATE, SR NO.53457

+2 CC TO MR.D.SIVARAMAN, ADVOCATE, SR NO:53410

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