



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.34633 and 34634 of 2019

WEB COPY

N.Gunalan ...Petitioner in WP No.34633 of 2019
S.Murugesan ...Petitioner in WP No.34634 of 2019

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (salem) Limited,
12,Ramakrishna Salai,
Salem - 636 007.
 2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.
- ..Respondent in both Wps

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the interest at the rate of 6% per annum for the delayed payment of Provident Fund, Gratuity, Leave Salary in view of the order made in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015 passed by the Division Bench of this Court.

For Petitioner : Mr.A.Nagarathinam
in both WPs
For Respondents: Mr.D.Raghu
in both Wps Standing counsel for R1 & R2

O R D E R

This writ petitions have been filed for the issue of writ of Mandamus directing the respondents to settle the interest for the belated payment of retiral benefits.

2. It is seen from records that the petitioners were working in the respondent corporation from the year 1981 and they have all retired from service in the year 2018. The



grievance of the petitioners is that their retirement benefits were settled with a very long delay only on 22.09.2019. The petitioners have therefore sought for interest for belated payment of Gratuity, Provident Fund amount and Leave salary. Since the same was not granted, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4. A similar writ petition came to be filed before this Court seeking for a similar relief in WP(MD) No.23869 of 2019 and this Court has passed the following order :-

3. According to the petitioners, they lastly worked as Special Grade Driver, Special grade driver, Special Grade Conductor and Special Grade Driver respectively in the respondent Transport Corporation and retired from service on 30.06.2018, 31.07.2018, 31.07.2018 and 31.01.2019. Their terminal benefits were settled on 31.08.2019 with a long delay. The grievance of the petitioners is that, the respondents have not paid the interest for the delayed payment as per the Judgement of the first Bench of this Court, dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015. They have made representation to the respondents on 14.10.2019 and the respondents have not passed any orders on the representation. Hence, the petitioners have come out with the present writ petition.

5. This issue has already been decided by the First Bench of this Court referred to above. In view of the same, the respondents are directed to pay the interest at the rate of 6% for the delayed payment in twelve (12) equal installments on or before 10th day of every English calendar Month. The first installment is to be paid on or before 10th day of February, 2020.

5. The above judgement, which in turn relied upon the earlier Division Bench Judgement, will squarely apply to the facts of the present case also. In view of the same, the respondents are directed to pay interest at the rate of 6% for the delayed payment of the retiral benefits in 12 equal installments on or before 10th of every English calendar month. The first installment is directed to be paid on or before the 20th day of January 2020.

6. The relief sought for by the petitioners insofar as the leave salary is concerned, it requires consideration by the 1st respondent before any positive directions can be given. Taking



into consideration the facts and circumstances of the case, the 1st respondent is directed to consider the representation made by the petitioner on 16.11.2019 insofar as the claim made by them for leave salary is concerned and pass necessary orders in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

7. These writ petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
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2. The Administrator,
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Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

+2cc to Mr.A.Nagarathinam, Advocate sr.104952, 104953
+2cc to Mr.D.Raghu, Advocate sr.104635, 104639

W.P.No.34633 and 34634 of 2019

rji(co)
nr 06/01/2020