

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34983 of 2019

C.Subramanaian

... Petitioner

-Vs-

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents(i)to pay the retirement benefits such as Social Welfare Fund of Rs.71,260/- and the Earned leave benefit of Rs.6,757/-with interest,(ii) to pay the differential amount of pension of Rs.24,413/- towards based on the revised dearness allowances with interest and (iii) to pay the interest at the rate of 6% per annum for the delayed payment of Provident Fund, Gratuity, Leave Salary and Commutation.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.D.Raghu
Standing Counsel for R1

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to settle the interest for the belated payment of retirement benefits.

2.It is seen from records that the petitioner was working in the respondent corporation from the year 1987 and he had retired from service in the year 2018. The grievance of the petitioner is that his retirement benefits were settled after a very long delay on 22.09.2019. The petitioner therefore sought for interest for belated payment of Gratuity, Provident Fund amount, commutation and Leave salary and other retirement benefits. 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 first respondent.

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 had 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 judgment, which in turn relied upon the earlier Division Bench Judgment, 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 retirement 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 petitioner 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 23.11.2019, insofar as the claim made by him 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.This writ petition is disposed of with the above directions. No costs.

18.12.2019

for Being Mentioned

This Petition having been posted on this day 20/01/2020 " For Being Mentioned" to pursuance to the order of this Court dated 18/12/2019 and made herein in the presence of the above said Advocate this court made the following order:

This case was posted today under the caption "For Being Mentioned" on the ground that the order passed by this Court did not specifically direct for the refund of the Social Welfare Fund and Earned Leave Benefits.

2. At Para 5 of the order, the following shall be added:-

"The respondents are directed to pay the Social Welfare Fund and Earned Leave benefits to the petitioner, which was contributed by the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order."

3. The Registry is directed to incorporate the above portion at para 5 of the order and issue a fresh order copy to the learned counsel for the petitioner.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavam Salai,
Chennai - 600 002.

+1 cc to Mr.A.Nagarathinam Advocate sr105353

+1 cc to Mr.D.Raghu Advocate sr105391

W.P.No.34983 of 2019

aa06/01/2020

aa03/02/2020



WEB COPY