

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35072 of 2019
and W.M.P No.35862 of 2019

1.S.Krishnamoorthy
2.N.Manivel

...Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its
Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,m
Salem Division, No.12, Ramakrishna Road,
Post Box No.713,
Salem 636 007.
 3. The General Manager,
Tamil Nadu State Transport Corporation(Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
 4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.
- ..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle the interest for the belated payment of retiral benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident fund payable to the petitioners and also to settle the Social Welfare fund and institute of Road and Transport Technology (IRTT) fund with 18% rate of interest within a time frame.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader
for R1
Mr.D.Raghu
Standing counsel for R2 to R4.

O R D E R

This writ petition has 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 1985/1983 respectively 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, Earned leave, Medical Leave and Provident Fund amount. 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 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 19.10.2019 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. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,m
Salem Division, No.12, Ramakrishna Road,
Post Box No.713, Salem 636 007.

3. The General Manager,
Tamil Nadu State Transport Corporation(Salem) Limited,
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Post Box No.713, Salem - 636 007.
4. The Administrator,Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai 600 002.

+1cc to Mr.D.Raghu, Advocate, SR.No.105667.

+2cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.106080.

+1cc to Government Pleader, SR.No.106714.

W.P.No.35072 of 2019
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BR (CO)
CSR: 20.02.2020



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