

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

W.P. No.34724 of 2018

1. T.Devaraji
2. K.Balasubramanian ...Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Additional Chief Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents 2 and 3 to pass orders for payment of interest for the belated payment of retirement benefits to the petitioners by considering the representation submitted by the petitioners dated 18.09.2018 and 19.09.2018 respectively, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.A.N.Thambidurai,

Special Government Pleader for R1

: Ms.Rajini Ramadoss for R2

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2.The prayer made in this writ petition is to direct the respondents 2 and 3 to pass orders for payment of interest relating to the belated payment of retirement benefits to the petitioners, by considering their representations dated 18.09.2018 and 19.09.2018, within a time frame to be fixed by this Court.

3.When the matter was taken up for consideration, the learned counsel for the petitioners submitted that the issue involved herein has already been considered by this Court in the order dated 13.07.2018 passed in W.A.No.665 of 2018 and C.M.P. No.6352 of 2018, the relevant passage of which reads as follows:

"6.Placing on record the above submissions, there will be a direction to the Managing Directors of the Tamil Nadu State Transport Corporations to compute interest at the rate of 6% per annum on the delayed disbursement/payment of retirement benefits including encashment/disbursement of surrender leave salary, to all those who have filed the writ petitions/contempt applications, as well as others, covered under the orders of this Court in CMP.No.6352 of 2018 in WA.No.665 of 2018 dated 28.03.2018 and 28.04.2018, within two months from today. Interest has to be calculated as ordered above.

7.Payment of the first installment should be made on or before 13.08.2018 and payment of the second installment should be made on or before 13.09.2018. In the event of default or failure to make the payment of interest, as ordered within the stipulated period, the first installment or the second installment, as the case may be, it is made clear that the interest at the rate of 9% per annum would be applicable on the amount remaining unpaid. In case of default, it is open to the retired employees to bring it to the notice of this Court, and in that event, this Court would be constrained to consider invoking the provisions of the Contempt of Courts Act, 1971.

8.Managing Directors of the Transport Corporations, are directed to bring it to the notice of the Government, and ensure compliance."

Hence, the learned counsel prayed that the representations of the petitioners may be directed to be considered in line with the aforesaid order, for which, the learned counsel taking notice for the second respondent has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the second respondent is directed to consider the representations dated 18.09.2018 and 19.09.2018 submitted by the petitioners, on merits and in accordance with law and also in line with the directions issued by this Court in W.A. No.665 of 2018 and C.M.P. No.6352 of 2018, dated 13.07.2018, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

vsi2

To

The Additional Chief Secretary to Government,
The State of TamilNadu,
Transport Department,
Secretariat, Fort St.George,
Chennai- 600 009.

2. The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

3. The Administrator,
TamilNadu State Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002

+1cc to Mr. G.Sankaran, Advocate, S.R.No.2186

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GN(27/03/2019)