



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) Nos.25136 & 25139 of 2019

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R.Kanagasundaram

`... Petitioner in W.P.No.25136 of 2019

A.Vedaiyan

... Petitioner in W.P.No.25139 of 2019

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director
Bye Pass Road
Kumbakonam - 612 401
 2. The General Manager
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd
Nagapattinam Region
Nagapattinam
 3. The Administrator
The Tamil Nadu State Transport Corporation Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai
Chennai -2
- ... Respondents in both WPs

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle interest for the belated payment of the petitioners' terminal benefits including Gratuity, Terminal leave salary, Commuted Value of Pension and Provident Fund from the date of petitioners' retirement to the till date, on which the said benefits were settled to them, within a time frame as may be fixed by this Court.

For Petitioners in both Wps : Mr.A.Rahul
For Respondents in both Wps : For R1 & R2 - Mr.D.Sivaraman
For R3 - Mr.A.Swaminathan

C O M M O N O R D E R

These writ petitions are filed for a direction to the respondents to pay interest for the belated payment of the petitioners' terminal benefits including Gratuity, Terminal Leave Salary and provident fund from the date of the petitioners' retirement to till the date on which the said benefits were settled to them within a time frame as stipulated by this Court.



2. Mr.T.Senthilkumaraiah, learned counsel takes notice for the respondents 1 & 2 and Mr.A.Swaminathan, learned counsel takes notice for the 3rd respondent in both Writ petitions. By consent of both parties, the Writ Petitions are taken up for final disposal at the stage of admission itself.

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3. According to the petitioners, they were appointed as 'Conductor' and 'Driver' in the 1st respondent Corporation on 24.02.1992 and 02.07.1990 and retired from service on 30.06.2018 and 31.05.2018 as 'Selection Grade Conductor' and 'Special Grade Driver' respectively, on attaining the age of superannuation. Their terminal benefits were settled on 20.09.2019 after delay. The grievance of the petitioners is that, the respondents have not paid the interest for the delayed payment as per the judgment of the First Bench of this Court, dated 12.06.2015 in W.A.(MD)Nos.383 to 457 of 2015. They made representations to the respondents on 30.09.2019 and the respondents have not passed any orders on their representations. Hence, the petitioners have come up with these present writ petitions.

4. Heard the learned counsel appearing for the petitioners in both Writ Petitions and the learned counsel appearing for the respondents and perused the materials available on record.

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 monthly installments on or before 10th day of every English Calendar month to the petitioners in both Writ Petitions. The first installment is to be paid on or before 10th day of March, 2020.

6. With the above direction, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

vrn/msa

+2 cc to Mr.A.Rahul , Advocate SR.No.102340,102338

+2 cc to Mr.D.Sivaraman , Advocate SR.No.101938,101937