



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.173 of 2020

K.Kumar

...Petitioner

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,
Dharmapuri Region, Bharathipuram,
Dharmapuri - 636 705.
4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Post Retirement Welfare fund Scheme
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 petitioners retirement benefits including Provident Fund, Gratuity, Commutation, IRT, Labour welfare fund and other benefits with interest payable from the date of retirement based on the petitioner's representation dated 15.07.2019.

For Petitioner : Mr.M.Selvam
For Respondents : Mrs.K.Bhuvaneswari
Government Advocate 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 retirement benefits including Provident Fund, Gratuity, Commutation, IRT, Labour Welfare fund and other benefits with interest.

2. It is seen from records that the petitioner was working in the respondent corporation from the year 1987 and he retired from service in the year 2019. The grievance of the petitioner is that his retirement benefits have not been settled. The petitioner therefore has sought for retirement benefits including Provident Fund, Gratuity, Commutation, IRT, Labour welfare and other benefits along with interest from the date of his retirement. 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.



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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 the retirement benefits and 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 30 th day of January 2020.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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Represented by its Secretary to Government,
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4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Post Retirement Welfare fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.D.Raghu, Advocate sr.1267
+1cc to Government Pleader SR.NO. 1978
+1cc to Mr.M.Selvam, Advocate sr.1469

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