

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2572 of 2020

1. A. Sekar
2. A. Murugesan
3. S. Sekar
4. N. Panneer Selvam
5. C. Ponnusamy
6. R. Sekar
7. M. Subramanian
8. K. Venkatesan
9. S. Munusamy
10. R. Sekar
11. S. Kumar
12. A. Bakthavatchalam
13. M. Palani
14. V. Elumalai
15. K. Santhamurthy
16. R. Ramakrishnan
17. K. Perumal
18. K. Amaresan
19. T. Venkatesan

... Petitioner

-Vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Salamedu, Villupuram
Villupuram District 605 602.

2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram-III) Ltd.
Thiruvannamalai Region
Bye Pass Road, Vengikkal
Thiruvannamalai District 606 604.

3. The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Pallavan Salai, Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue appropriate writ orders or directions and in particular issue a Writ of Mandamus directing the respondents to pay interest @ 10% for the belated payment of gratuity, Leave Salary and commutation of pension amount to the petitioners.

For Petitioners : Mr.S.T. Varadarajalu

For Respondents : Mr. C.S.K. Sathish
Standing Counsel

ORDER

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 as conductors and drivers and rendered nearly 25 to 30 years of continuous service and attained superannuation between the year 2018 and 2019. The grievance of the petitioners is that their retirement benefits were settled with a very long delay. The petitioners, therefore, made representations on 18.10.2019 and 23.10.2019 to pay interest for the belated payment of Gratuity, Leave salary and commutation of pension. Since the same was not granted, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioners 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 Corproation 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 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 25th day of February 2020.

6. The relief sought for by the petitioners 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 petitioners 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.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bga

To

1.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Salamedu, Villupuram
Villupuram District 605 602.

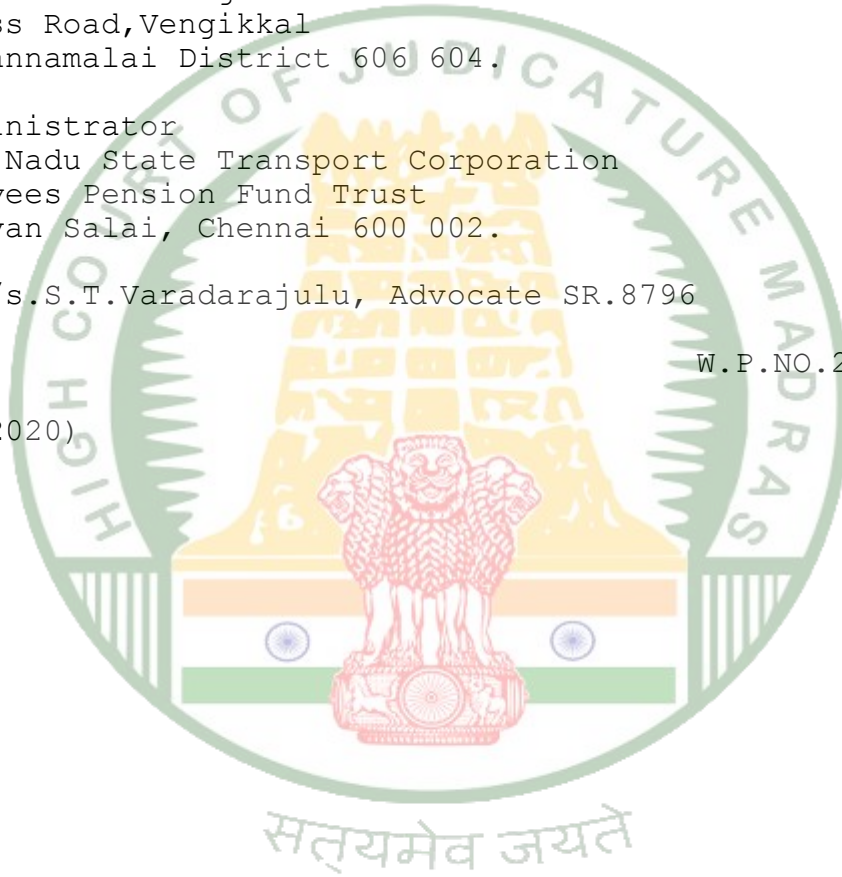
2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram-III) Ltd.
Thiruvannamalai Region
Bye Pass Road,Vengikkal
Thiruvannamalai District 606 604.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Pallavan Salai, Chennai 600 002.

+1cc to M/s.S.T.Varadarajulu, Advocate SR.8796

W.P.NO.2572 of 2020

GP(CO)
CB(10/03/2020)



WEB COPY