

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1993 of 2020

R.Anandhan

: Petitioner

vs.

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.
  2. The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Limited,  
Kancheepuram Region,  
Kancheepuram.
  3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.
- : Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Earned Leave Surrender, Labour Welfare Scheme amount and IRT Share amounts and all other retirement benefits with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu  
For Respondents : Mr.C.S.K.Sathish  
Standing Counsel

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to disburse the terminal benefits of the petitioner with interest.

2.The case of the petitioner is that he joined as a Driver in the Transport Corporation in the year 1987. The petitioner attained the age of superannuation on 30.06.2019 and he retired from service. The petitioner was not settled with the terminal benefits and therefore, he made a representation on 17.09.2019 to the respondents. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

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 10 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 March 2020.

6.The 2<sup>nd</sup> and 3<sup>rd</sup> respondents are further directed to consider the representation made by the petitioner on 17.09.2019 and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order insofar as encashment of earned leave and commutation of pension is concerned. The petitioner is directed to make a fresh representation to the 2<sup>nd</sup> & 3<sup>rd</sup> respondent along with a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

Sd/-  
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssr

To

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.
2. The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Limited,  
Kancheepuram Region,  
Kancheepuram.
3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

+1cc to Mr.C.S.k.Sathish, Advocate, SR.No.15769.

MG(CO)  
CSR: 05.03.2020

W.P No.1993 of 2020