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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.2100 of 2020

R.Vijayaraghavalu Petitioner

vs.

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

2. The General Manager,
Tamil Nadu Transport Corporation,
(Villupuram) Ltd, Kanchipuram Division,
Karaipettai, Kanchipuram - 631 552.

3. The Administrator,
Tamil Nadu State Transport 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 for issuance of a Writ of Mandamus, directing the respondents to pay the interest amount of Rs.3,08,521/- for petitioner delayed payment of Gratuity amount, Commutation amount and encashment of surrender leave amount with 6% interest p.a. till the date of payment as per petitioner representation dated on 18.12.2019.

For Petitioner : Mr.R.Anbalagan

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

O R D E R

This writ petition has been filed for the issuance 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 petitioner was working in the respondent corporation from the year 1983 onwards. He superannuated with effect from 31.05.2018. The grievance of the

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petitioner is that his retirement benefits were settled with a very long delay, i.e., only on 19.09.2019. The petitioner has therefore sought for interest for belated payment of Gratuity, Commutation amount and encashment of surrender leave amount. 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 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.
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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 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 calender month. The first installment is directed to be paid on or before the 10th day of March 2020.

6.The relief sought for by the petitioner insofar as the leave salary is concerned, requires consideration by the 1st respondent before any positive directions can be given. Taking into consideration the facts and circumstances of the case, the

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1st respondent is directed to consider the representation made by the petitioner on 18.12.2019 insofar as the claim made by them for encashment of 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.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

ssr

To

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

2. The General Manager,
Tamil Nadu Transport Corporation,
(Villupuram) Ltd, Kanchipuram Division,
Karaipettai, Kanchipuram - 631 552.

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

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Anbalagan Advocate sr6908

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