

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2825 of 2020

T.Mugugesan

... Petitioner

.v.

1. The Managing Director,
Tamil Nadu State Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem - 636 007

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
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 (i) to pay the retirement benefits such as Labour Welfare fund, the amount of IRTT refund, the amount of Earned and Unearned Leave payable to the petitioner with interest. (ii) to pay the accrued benefit of Employees Retirement Benefit Scheme (ERBS) with interest. (iii) to pay the interest for the delayed payment of retirement benefits such as Provident Fund, Commutation, Gratuity and Leave Salary at the rate of 6% from the date of retirement.

For Petitioner : Mr.A.Nagarathinam

For Respondents: Mr.D.Raghu
Standing counsel

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus directing the respondents to settle the interest for the belated payment of retiral benefits.

2.The case of the petitioner is that he entered the service of the respondent Corporation as a conductor in the year 1986. On 31.05.2018, he was retired from his service as Senior Tradesman on attaining the age of superannuation. The grievance of the petitioner is that his retirement benefits were settled with a very long delay only on 22.09.2019. The petitioner therefore sought for interest for belated payment of Gratuity, Earned leave, commutation of pension and Provident Fund 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.

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 20th day of March 2020. The respondents are also directed to settle the Social welfare Fund and Institute of Road and

Transport Technology (IRTT), within a period of eight weeks from the date of receipt of copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Managing Director,
Tamil Nadu State Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.A.Nagarathinam, Advocate Sr.9334
+1cc to Mr.D.Raghu, Advocate Sr.9551

W.P.No.2825 of 2020

ssd[co]
srg 05/03/2020