

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4497 of 2020

1. V.Elango
2. S.Sampath
3. N.Kabilan
4. G.Manickam
5. K.S.Elango
6. K.Raja
7. N.Dashnamurthi
8. R.Sekaran
9. R.Kalyanaraman
10. A.Ramasamy
11. K.Manoharan
12. V.Purushothoman
13. S.Paneerselvam
14. K.Selvakumar
15. D.Mathivanan
16. A.Thanamari
17. G.Kamarajan
18. M.Jayaraman
19. R.Krishnamurthi
20. B.Sudhakar
21. V.Rajendran



...Petitioners

सत्यमेव जयते
Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Salamedu, Villupuram, Villupuram District – 605 602.
- 2 The General Manager,
Tamil Nadu state Transport Corporation (Villupuram III), Limited
Thiruvannamalai Region,
Bye pass Road, Vengikkal,
Thiruvannamalai District 606 604.

3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employee Pension Fund Trust,
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 pay the interest at the rate of 10% per annum for the belated payment of gratuity, leave salary and commutation of pension amount.

For Petitioner : Mr.S.T.Varadarajalu

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

Standing counsel for R1 to R3

O R D E R

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 from the year 1980 and had put in 25 to 30 years of continuous service and they have all retired from service in the year 2018 and 2019 respectively. The grievance of the petitioners is that their retirement benefits were settled with a very long delay only on 19.09.2019. The petitioners have therefore sought for interest for belated payment of Gratuity, Commutation of pension and Leave salary. 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.

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 10th day of April 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 on 15.11.2019 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

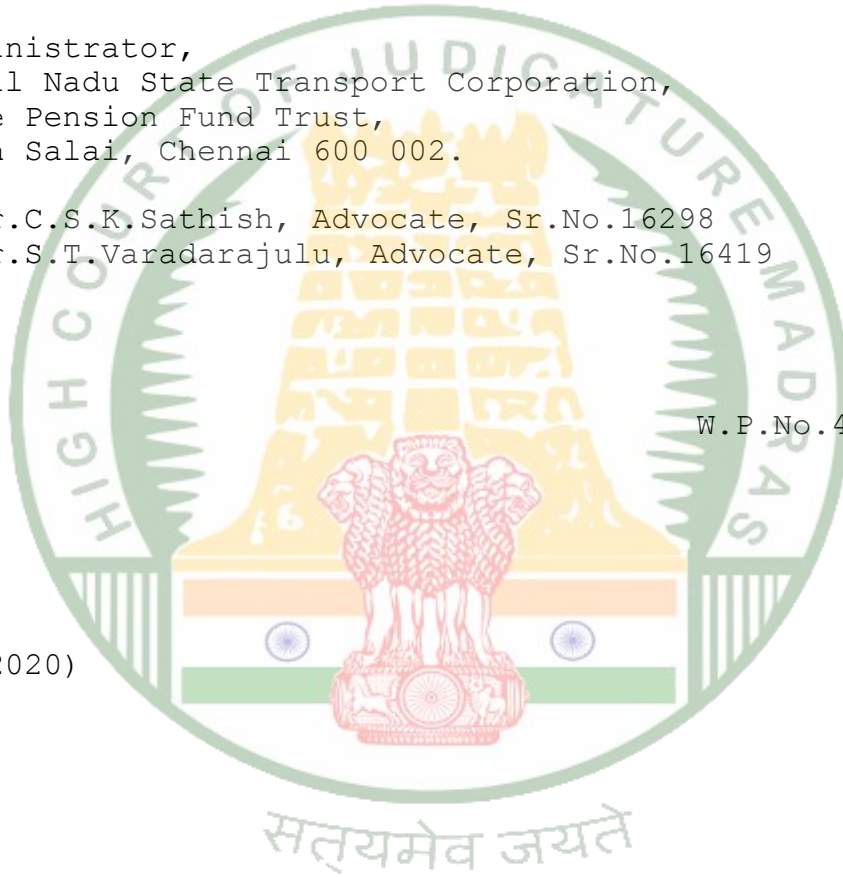
To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Salamedu, Villupuram, Villupuram District - 605 602.
- 2.The General Manager,
Tamil Nadu state Transport Corporation(Villupuram III) Limited,
Thiruvannamalai Region,
Bye pass Road, Vengikkal,
Thiruvannamalai District 606 604.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employee Pension Fund Trust,
Pallavan Salai, Chennai 600 002.

+1cc to Mr.C.S.K.Sathish, Advocate, Sr.No.16298
+1cc to Mr.S.T.Varadarajulu, Advocate, Sr.No.16419

W.P.No.4497 of 2020

GS(29/05/2020)



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