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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2020

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35758 of 2019

P.Selvasekaran

... 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 for the petitioner's delayed payment of Gratuity amount, Commutation amount and encashment of surrender leave amount with 9% interest p.a. till the date of payment as per the petitioner's representation dated 16.10.2019.

For Petitioners : Mr.R.Anbalagan

For Respondents : Mr.D.Raghu
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



2.This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to settle the interest for the belated payment of retirement benefits.

3.It is seen from records that the petitioner was working in the respondent corporation from the year 1986 and he had retired from service in the year 2018. The grievance of the petitioner is that his retirement benefits were settled after a very long delay on 19.09.2019. The petitioner therefore sought for interest for belated payment of Gratuity, Provident Fund amount, commutation and Leave salary and other retirement benefits. Since the same was not granted, the present writ petition has been filed before this Court.

4.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5.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 had 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."

6.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 retirement 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 20th day of January 2020.

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7. The relief sought for by the petitioner 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 petitioner on 16.10.2019, insofar as the claim made by him 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.

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

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vazhuthareddy,
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2. The General Manager,
Tamil Nadu Transport Corporation
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3. The Administrator,
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Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr. R. Anbalagan, Advocate sr.105

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