

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2003 of 2021

1. P.G.Keerthisekaran
2. D.Elangovan
3. K.Anandan
4. E.Hariharan
5. K.Purushothaman
6. N.Chandrasekaran
7. M.Shanmugam
8. M.Kirubakaran
9. A.Yarraiah
10. R.Palani

.... Petitioners

Vs.

1. The Government of Tamil Nadu,
represented by its
Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai 600 002.
3. The General Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai 600 002.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the

Respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the Petitioners with 18% rate of interest.

For Petitioners: Mr.N.Sudhagar Nagaraj

For Respondents: Mr.P.Karthikeyan,
Additional Government Pleader

O R D E R

Petitioners have come up with this Writ Petition seeking a direction to the Respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to them with 18% rate of interest.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for the Respondents. By consent of the learned counsel on either side, this matter is taken up for final disposal.

3. Petitioners herein made a common representation to the Respondents on 18.11.2020 to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund. As no action is forthcoming, they have approached this Court with the above relief.

4. Learned counsel for the Petitioners submitted that, interest can be awarded at 6% and as per the order dated 12.06.2015 made in Writ Appeal (MD) Nos.383 to 457 of 2015, this Court, while ordering the retirement dues, has ordered payment of interest at 6% p.a., in instalments.

5. Following the Division Bench judgment of this Court, the Courts are consistently passing orders for payment of retirement dues with interest at 6% p.a. with default interest at 18% p.a.

6. In view of the limited prayer sought for by the Petitioners, if the representation made by the Petitioners is still pending and not disposed of, Respondents herein are directed to consider the representation dated 18.11.2020 made by the Petitioners and pay the interest due (at 6% per annum) on the retirement dues already paid, within a period of six weeks from the date of receipt of a copy of this order, failing which, the default interest would be at 18% per annum and the interest

portion can be recovered from the Managing Director's personal account or from the account of the Secretary to Government, in view of the judgment of the Apex Court rendered in the case of Central Co-operative Consumers' Store Limited vs. Labour Court, H.P. At Shimla reported in AIR 1994 SC 23.

7. Petitioners shall furnish their phone number, email ID, if any, etc., along with a copy of the representation dated 18.11.2020 and a copy of this order, to the Respondents forthwith. Respondents are directed to communicate the decision taken on the said representation to the Petitioners herein within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that, there is no need for the parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.No.2265 of 2021 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

- 1.The Secretary to Government, Government of Tamil Nadu,
Transport Department, Secretariat, Chennai 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Mount Road, Pallavan Salai, Chennai 600 002.
- 3.The General Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Mount Road,
Pallavan Salai, Chennai 600 002.

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

+1cc to Mr.Sudhagar Nagaraj, Advocate SR.5398

W.P.No.2003 of 2021

MG (CO)
CB (08/03/2021)



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