



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.18263 of 2021

R.Thangavel

...Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd,
Represented by its The Managing Director,
No.12, Ramakrishna Road,
Salem -7.

2. Tamil Nadu State Transport Corporation (Salem) Ltd,
Represented by its General Manager,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

3. Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay the petitioner wages towards 30 days of earned leaves surrendered by him, while he was in service; to settle the amounts payable under the social security scheme, family benefit fund, IRT Contributions and to refund of contributions under the post Retirement Benefit Scheme, together with interest at the rate of 6% within a specified time.

For Petitioner .. Mr.V.Ajay Khose

For Respondents .. Mr.A.Sundaravadanam
Standing Counsel (for R.1 and R.2)
Mr.C.S.K.Sathish (for R.3)



interest which should be reasonable and fair to compensate belated payments made to the retired employees.

5. In consideration of the request emanating from the learned Standing counsels for the Corporation, which appear to this Court to be fair and reasonable considering the weak financial position of the Corporation, this Court persuaded the learned counsels appearing for the petitioners to accept 4% interest. All the counsels who are representing the parties today have uniformly accepted 4% interest to be payable on the belated payments made to the petitioners. During the course of argument it is also agreed by all the counsels of the corporation that the 4% interest payable would be settled in one lump-sum, if 8 weeks time is granted to the Corporation.

6. In view of the consensus being reached by the parties, these writ petitions are disposed of with the following directions;

The Corporation is directed to pay 4% interest to all the employees who have been settled belatedly their retirement benefits within a period of 8 weeks from the receipt of copy of order of this Court. In case, some of the employees who have not been settled their portion of the retirement benefits as such are also entitled to be paid 4% interest till they receive the actual retirement benefits in full.

Those payments would also carry 4% till the date it is fully released by the corporation. The interest of 4% would cover the period of 8 weeks from the date of receipt of copy of this order.

Any further default of the payments by the corporation, the interest would be enhanced to 6 percent after the expiry of 8 weeks of period of time and such percentage would become payable till the entire amounts are settled to the employees concerned.

7. Therefore, the present Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tri/mrm



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,
No.12, Ramakrishna Road,
Salem -7.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

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

+1cc to Mr.A.Sundaravadanam, Advocate SR. No.68121

W.P.No.18263 of 2021

SR (CO)
PR (21/01/2022)