



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NO.24314 OF 2021

P.Sekar

..Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited (Salem),
112, Ramakrishna Road, Salem - 636 007.
2. The Administrator,
TNSTC Employees Pension Fund Trust,
O/o.SETC Headquarters, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to pay the Retirement Benefits of the petitioner such as Pension Arrears, Leave Surrender Pay, Medical Leave Pay, IRT Share, Social Welfare Fund, Employee Retirement Benefit Scheme Share with interest at 12% per annum from the date of retirement (31.05.2019) till date of payment and interest on the belated payment of (Provident Fund, Gratuity, Earned Leave and Commutation) to the petitioner.

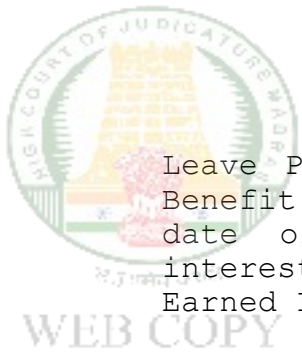
For Petitioner : Mr.S.Balaji

For Respondents : Mrs.Rajeni Ramadoss,
Standing Counsel for R1

: Mr.C.S.K.Sathish,
Standing Counsel for R2

ORDER

This writ petition has been filed seeking for a direction to the respondents herein to pay the Retirement Benefits of the petitioner such as Pension Arrears, Leave Surrender Pay, Medical



Leave Pay, IRT Share, Social Welfare Fund, Employee Retirement Benefit Scheme Share with interest at 12% per annum from the date of retirement (31.05.2019) till date of payment and interest on the belated payment of (Provident Fund, Gratuity, Earned Leave and Commutation) to the petitioner.

2. The case of the petitioner is that he was appointed as driver in the first respondent Corporation on 10.04.1987. After serving for nearly 32 years, on attaining the age of superannuation, the petitioner retired from service on 31.05.2019. Pursuant to his retirement, the petitioner was granted a monthly pension of Rs.16,190/-. However, the other Retirement Benefits such as Employees Provident Fund, Gratuity, Earned Leave and commutation which ought to have been paid to the petitioner had not been settled immediately, but according to the petitioner, it had been settled only in the month of January 2021 i.e., nearly 19 months after his retirement. The further grievance of the petitioner is that certain other amounts (Social Welfare Fund) had also not been settled till date, for which also, the petitioner is entitled to be paid interest.

3. In the above circumstances, the petitioner submitted a representation dated 20.09.2021, to the respondents giving out the details of the payment received and due, along with the interest payable by the respondents. As there was no response forthcoming from the respondents, the petitioner is before this Court by way of the present writ petition.

4. When the matter is taken up for hearing, Mr.C.S.K.Sathish, learned Standing Counsel appearing for the second respondent submitted that Courts have been granting interest at the rate between 4% and 6% for the delay payments in respect of settlement of pension benefits to the retired employees.

5. Heard both sides and perused the materials available on record.

6. Having regard to the limited scope of the prayer that is being sought in this writ petition and also the Courts have already taken a view towards grant of interest to be paid along with the belated payment of retirement benefits, this Writ Petition stands disposed of, with the following direction.

7. The first respondent is directed to grant 6% interest on the belated payment of the Retirement Benefits from the date it become payable till the date it was actually paid. The first respondent is also directed to make payment which is outstanding to the employee concerned with the same percentage



of interest till it is actually paid. The first respondent is further directed to pass appropriate orders in this regard and grant the sanction of interest within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba/gsk

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem),
Limited, 112, Ramakrishna Road, Salem - 636 007.
2. The Administrator,
TNSTC Employees Pension Fund Trust,
O/o. SETC Headquarters, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.S.Balaji, Advocate, S.R.No.62857

W.P.No.24314 of 2021

AD(CO)
PM/13/12/2021