



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.8781 of 2021

- 1.S.Maharajan
- 2.R.Rajasingh
- 3.M.Sundararaj
- 4.K.S.Ramachandran
- 5.S.Sankar Raj

... Petitioners

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Corporate Office, V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District - 627 003.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.
- 4.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 settle the interest for the belated payment of retirement benefits payable to the petitioners with 18% rate of interest within the time frame stipulated by this Court.



For Petitioners : Mr.N.Sudhagar Nagaraj

For R - 1 : Mr.M.Murugan
Government Advocate

For RR 2 & 3 : Mr.Rajamohan

For R - 4 : Mr.A.Swaminathan

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits payable to the petitioners with interest at the rate of 18% p.a., within the time frame to be stipulated by this Court.

2.Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the first respondent, Mr.Rajamohan, learned counsel accepts notice on behalf of the respondents 2 and 3 and Mr.A.Swaminathan, learned counsel accepts notice on behalf of the fourth respondent.

3.By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioners, they joined the services of the respondents 2 and 3 Transport Corporation as Conductor, Conductor, Driver, Driver and Conductor respectively. They were allowed to retire from service with effect from 30.04.2018, 31.05.2019, 31.05.2019, 31.05.2019 and 31.10.2019 respectively, but the respondents 2 to 4 had settled the retirements with a long delay, on 31.08.2019, 22.01.2021, 22.01.2021, 22.01.2021 and 22.01.2021 respectively, without interest. Seeking interest for the belated payment of the retirement benefits to the petitioners, they sent representations, dated 08.04.2021, to the respondents. The respondents have not considered the same. Hence, the petitioners have come out with the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, the learned counsel appearing for the respondents 2 and 3 and the learned counsel appearing for the fourth respondent.

6.Considering the facts and circumstances of the case, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioners, dated 08.04.2021,



with regard to the interest for the belated payment of the retirement benefits to the petitioners and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

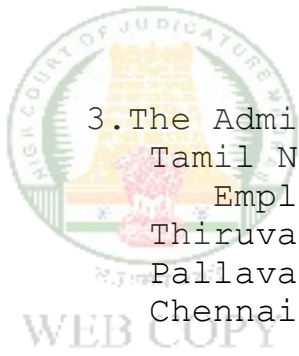
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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Corporate Office, V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District - 627 003.



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

+1 CC to MR.R.RAJAMOHAN, Advocate (SR-18033[F] dated 29/04/2021)

+1 CC to MR.N.SUDHAGAR NAGARAJ, Advocate (SR-18235[F] dated
30/04/2021)

+1 CC to SPL GP (SR-18290[F] dated 30/04/2021)

**W.P (MD) No.8781 of 2021
29.04.2021**

KM(25.05.2021) 4P 7C