



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.11343 of 2021

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P.Kesavan

... Petitioner

Vs.

1.The Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Division,
Rep. by its Managing Director,
Kattapomman Nagar,
V.M.Chathiram, Tirunelveli.

2.The Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Rep. by its General Manager,
Ranithottam, Nagercoil.

3.The Administrator,
Tamilnadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the period of delay from the petitioner's date of retirement (31.01.2020) to till the date of reimbursement (02.06.2021) of amount paid towards the petitioner's terminal and pensionary benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court, without affecting the petitioner's right to claim balance amount towards those benefits.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

The present writ petition has been filed for a direction to the respondents to pay interest at the rate of 18% per annum for the period of delay from the petitioner's date of retirement (31.01.2020) to till the date of reimbursement (02.06.2021) of amount paid towards the petitioner's terminal and pensionary benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court, without affecting the



petitioner's right to claim balance amount towards those benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the entire materials available on record.

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3. According to the petitioner, he was appointed as Conductor in the respondents corporation on 05.06.1986. He retired from service on 31.01.2020 on attaining the age of superannuation. After one year of retirement, the respondents have come forward to pay the terminal benefits, namely, EPF, Gratuity and Social Security Scheme benefits. Though the amounts were deposited on 02.06.2021 in the petitioner's account, the respondents paid only the principal amounts for the terminal and pensionary benefits and failed to pay any amount towards interest for the period of delay in paying the amounts. Hence, the petitioner has sent representation, dated 19.06.2021 to the respondents requesting to pay the interest towards the delayed payment. Since the respondents have not passed any orders on the representation, the petitioner has come out with the present writ petition.

4. The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner, dated 19.06.2021 would be considered on merits, within the period to be stipulated by this Court.

5. Considering the submission of the learned Standing Counsel appearing for the respondents, without deciding the issue on merits in the writ petition, this Court directs the respondents to consider the representation of the petitioner, dated 19.06.2021 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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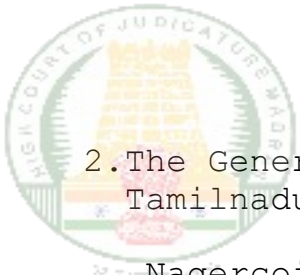
Sub Assistant Registrar(CS)

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To:

1. The Managing Director,
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar, V.M. Chathiram, Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager,
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam, Nagercoil.

3.The Administrator,
Tamilnadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-21891[F] dated 09/07/2021)

+1 CC to M/s.R.MURUGAN, Advocate (SR-21830[F] dated 09/07/2021)

W.P. (MD)No.11343 of 2021

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RD(23.07.2021) 3P 6C