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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2745 of 2022

M.Subramanian

... Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Rep. by its Managing Director
No.12, Ramakrishna Road,
Salem 636 007.

2. Tamil Nadu State Transport Corporations
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.77,128/- towards difference in Gratuity; interest for Rs.3,76,332/- towards Commuted Value of pension; a sum of Rs.73,833/- towards the amounts payable under Social Security Scheme; to pay the amount of encashment of Earned Leave surrendered by the petitioner in the year 2009 and 2010; amount payable and refundable under the Post Retirement Benefit fund as per clause 9(3) of the 12(3) settlement dated 04.01.2018; a sum of Rs.3,000/- towards refundable IRT contributions, with interest at the rate of 12%, within a specified time frame, as may be fixed by this court.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.A.Sundaravadanam
for R1.

Mr.C.S.K.Sathish for R2



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to pay the difference in pensionary benefits and other amounts payable to him, including amount of encashment of Earned Leave, surrendered by the petitioner, with interest.

2. The case of the petitioner in brief:

The petitioner was appointed as Driver in the respondent Corporation on 20.03.1987 and during his retirement on superannuation on 28.02.2017, he was a Special Grade Senior Driver. The petitioner was paid revised pension, only with effect from October 2019 and no arrears were paid for the period from 01.11.2016 to 30.09.2019, as per G.O.Ms.No.142 dated 09.04.2018. The petitioner is entitled to get difference amount in Gratuity and other terminal benefits. Further, the respondent did not pay the amounts for encashment of Earned Leave surrendered by him during the year 2009 and 2010. Hence, the petitioner made a representation on 26.07.2021. However, it was not considered. Hence this writ petition.

3. The learned counsel appearing for the respondent Corporation submitted that, so far as the Gratuity is concerned, the respondent Corporation will consider the representation of the petitioner and pass appropriate orders. However, the other claims made by the petitioner cannot be granted, based on his representation. He also fairly submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment, as per the earlier orders passed by this court in W.P.No.260 of 2022 dated 11.01.2022.

4. In view of the above submissions and with the consent of both the parties, it is ordered as follows.

i) The respondents are directed to consider the representation of the petitioner dated 26.07.2021 for difference in terminal benefits and other amounts, as contended by him and pass appropriate orders, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

ii) If the respondents decided that the petitioner is entitled to get the difference amounts and other amounts if any, the same shall be paid to the petitioner, with penal interest at the rate of 4% per annum, within a period of 12 weeks from the date of receipt of a copy of this order. It is also made clear that in default, the respondent-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioner.



5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

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// True Copy //

Sub Assistant Registrar

mst

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.C.S.K.Sathish, Advocate SR.No.10367
+1cc to Mr.A.Sundaravadhanam, Advocate SR.No.10952
+1cc to Mr.V.Ajoykhose, Advocate SR.No.10069

W.P.No.2745 of 2022

MT (CO)
CB(11/03/2022)