

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM

THE HON'BLE MR JUSTICE D.KRISHNAKUMAR

W.P.NO.2757 OF 2022

*** R.Perumal Gounder**

... Petitioner

.Vs.

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

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay a sum of Rs.1,64,965/- towards difference in Gratuity; a sum of Rs.24,237/- towards difference in Earned Leave Salary, which was surrendered at the time of retirement; a sum of Rs.73,833/- towards the amounts payable under Social Security Scheme, to pay Earned leave Salary for the earned leave which was surrendered in the year 2009 and 2010; the amount payable and refundable under clause 9(3) of the 12(3) settlement dated 04.01.2008, under the Post Retirement Benefit Fund and a sum of Rs.3,000/- towards refundable IRT contributions with interest at the rate of 12%, within a specified time frame, as fixed by this court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanam

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 the 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 Conductor in the respondent Corporation on 25.07.1983 and during his retirement on superannuation on 31.08.2017, he was a Senior Grade Checking Inspector. 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 17.09.2021. 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 17.09.2021 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)
(11/03/2022)

*** Corrected as per Order of this
Court dated 24/06/2022 made in
W.P.No.2757 of 2022**

**Sd/-
Assistant Registrar(CO)
05/07/2022**

//True Copy//

Sub Assistant Registrar

mst

To

The Managing Director,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.

*** To be
Substituted to the
Order already despatched
on 18/03/2022**

+1cc to Mr.A.Sundaravadhanam, Advocate, S.R.No.10955
+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.10370

*** +1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.40439**

W.P.NO.2757 OF 2022

MT(CO)
CB(11/03/2022)
MG(CO)
PBS/05/07/2022