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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4223 of 2022

E.Munusamy

... Petitioner

Vs.

Tamil Nadu State Transport Corporation (Coimbatore)
Limited, rep. by its Managing Director,
Mettupalayam Road, Coimbatore -43.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest for the belated payment of petitioner's terminal benefits, namely P.F., Gratuity; and Earned Leave salary 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
Standing counsel

ORDER

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

2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondent to pay interest for the belated payment of terminal benefits and to pay Earned Leave salary with interest.

3. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

4. The petitioner was working as Driver under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 30.06.2018 as Special Grade Driver. The respondents have settled the retirement benefits belatedly, without any interest. Further, the respondents have not paid



the amount towards the encashment of Earned Leave surrendered by the petitioner. Hence, he made representation on 21.10.2021, but the respondent has not considered it. Hence, this writ petition has been filed.

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5. The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondent Corporation have settled the retirement benefits to the petitioner belatedly. However, as per the earlier orders passed by this court in similar matters, the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment of retirement benefits. He further submitted that, as far as the representation with regard to the payment towards encashment of Earned Leave is concerned, the same will be considered by the authorities concerned and appropriate orders will be passed.

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

i) The respondent is directed to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioner has not already given up his right for claiming interest for the retirement benefits. 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.

ii) In so far as the payment towards encashment of Earned Leave is concerned, the respondent is directed to consider the representation of the petitioner dated 21.10.2021 and pass orders, on its own merits, in accordance with law, within a period of four months from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of at the admission stage itself. No costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

mst



To

The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore)
Mettupalayam Road, Coimbatore -43.

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+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.13007

W.P.No.4223 of 2022

PMK[co]
NSK 25/03/2022