



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5389 of 2022

Dhakshinamoorthy

... Petitioner

Vs.

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 023.

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay Earned Surrender Salary balance amount of Rs.65,350/- and to pay interest at the rate of 18% per annum for the belated payment of retirement benefits for the period from 31.12.2017 to 30.01.2021 i.e 37 months on par with order made in W.P.(MD).No.10553 of 2021 dated 02.07.2021.

For petitioner : Mr.D.Veerasekaran

For Respondents : Mr.K.Moorthy
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 respondents to pay the balance amount of Rs.65,350/- towards encashment of Earned Leave surrendered by the petitioner and to pay interest at the rate of 18% per annum for the belated payment of retirement benefits.

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

4. The petitioner was working as Conductor under the



respondent Transport Corporation and he retired from service on attaining the age of superannuation on 31.12.2017 as Special Grade Conductor. The respondents have settled the retirement benefits belatedly, without any interest and also they have to pay a sum of Rs.65,350/- towards the balance amount of encashment of Earned Leave surrendered by the petitioner. Hence, he made representation on 12.10.2021, but the respondents neither given reply nor pay interest. Hence, this writ petition has been filed.

5. The learned Standing Counsel appearing for the respondent submitted that, as far as the representation with regard to the balance amount for encashment of Earned Leave surrendered by the petitioner is concerned, the same will be considered by the authorities concerned and appropriate orders will be passed. Further, he 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.

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

i) The second respondent is directed to consider the representation of the petitioner dated 22.12.2021 with regard to the balance amount in encashment of Earned Leave surrendered by him and pass orders, in accordance with law, on its own merits, within a period of twelve weeks from the date of receipt of a copy of this order.

ii) In so far as the interest with regard to the belated payment of retirement benefit is concerned, the respondents are directed to pay penal interest at the rate of 4% per annum 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.

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

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



ata/mst

To

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Chennai - 600 023.

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

+1cc to M/s.D.Veerasekaran, Advocate, S.R.No.16133

W.P.No.5389 of 2022

SJ(CO)
SB(23/03/2022)