



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8825 of 2022

N.Samimuthu

...Petitioner

vs.

1. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
Mettupalayam Road, Coimbatore - 641 03.

2. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Chinnamalai Road,
Erode - 1.

3. Tamil Nadu State Transport Corporation Employees' Pension Fund Trust, Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the petitioner interest and penal interest for the belated payment of Gratuity, PF, Earned Leave Salary, Commuted value of Pension and Difference in commuted value of pension, to pay him the difference in gratuity and earned leave salary based on his new basic pay fixed to him as on 01.09.2016 as per the settlement dated 04.01.2018 with interest, to pay him the amounts payable under the social security scheme, family benefit fund scheme, post-retirement benefits scheme and the IRT contributions and to pay him the earned leave salary for 45 days which he has surrendered during his service at the rate of 15 days per year in 2009, 2010 and 2011, with interest for the above benefits at the rate of 12% per annum.



WEB COPY

For Petitioner : Mr.R.Krishnaswamy

For RR1 & 2 : Mr.A.Sundaravadhanan
Standing Counsel

For R3 : Mr.C.S.K.Sathish
Standing Counsel

O R D E R

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 petitioner interest for the belated payment of retirement benefits; and to pay difference in gratuity and earned leave salary based on his new basic pay fixed to him as on 01.09.2016; and other amounts payable under the social security scheme, family benefit fund scheme, post-retirement benefits scheme and the IRT contributions and to pay him the Earned Leave salary for 45 days with interest at the rate of 12% per annum.

3. The case of the petitioner in brief:

The petitioner had worked in the respondent Transport Corporation as Conductor and after attaining the age of superannuation, he retired from service on 30.09.2016. But, only after direction of this court in W.P.Md.No.27173/2016 dated 04.11.2016, they have paid the retirement benefits such as Provident Fund, Commuted Pension, Gratuity by way of installments, that too only principal amount and not paid interest at 6%. Therefore, for the default committed by the respondents, the petitioner is entitled to get interest at the rate of 18% p.a. More over, as per 12(3) Settlement, the petitioner is entitled for the wage revision. The respondents have not paid the amount for encashment of 45 days surrendered by the petitioner and also not paid the Family benefit fund, post retirement benefit fund. Therefore, the petitioner made representation to the respondents on 08.03.2022 to pay all the benefits. But there was no response. Hence this writ petition.

4. The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits.



5. In view of the above submission and considering the limited scope of prayer and to meet the ends of justice, without expressing any opinion on merits, the following order is passed.

i) The respondent Transport Corporation is directed to consider the representation of the petitioner dated 08.03.2022 and pass orders on its own merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this court.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mst
To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore - 641 03.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region, Chinnamalai Road,
Erode - 1.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1 CC to Mr.A.Sundaravadhanan, Advocate sr 24896.
+1 CC to Mr.V.Ajoh Khose, Advocate sr 8825.

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MT(CO)
SP(04/05/2022)