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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.10391, 10393 & 10394 of 2022

1.G.Iruthayasamy

...Petitioner in W.P.No.10391 of 2022

2.M.Arukutty

...Petitioner in W.P.No.10393 of 2022

3.H.Rajkumar

...Petitioner in W.P.No.10394 of 2022

Vs.

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

...Respondent in all cases

Common 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 his terminal benefits, namely the P.F, Gratuity and earned leave salary at the rate of 12% for the above benefits within the specified time fixed by this Court.

In all cases

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.A.Sundaravadhanan
Standing Counsel (TNSTC)

COMMON ORDER

The relief sought for in the writ petitions are for a Mandamus seeking direction to the respondent to pay the petitioners interest for the belated payment of terminal benefits, namely P.F and Gratuity and to pay wages towards 15



days of earned leave surrendered by the petitioner, together with interest at the rate of 12% for all above benefits, within a specified time frame fixed by this Court.

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2. The facts and circumstances and the issues involved in the writ petitions are one and the same. Hence, this court passes the common order.

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

4. The petitioners were working as Conductors and Driver under the respondent Transport Corporation and they retired from service on attaining the age of superannuation on 31.05.2019. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made representations to pay interest for the belated payment, but the respondent neither given reply nor pay interest. Hence, the writ petitions have been filed.

5. The learned counsel appearing for the petitioners submitted that, the respondent has settled the retirement benefits to the petitioners, without any interest and despite request made by them, the respondent did not pay interest for the belated payment of retirement benefits. Hence, the respondent may be directed to pay the interest amount.

6. The learned Standing Counsels appearing for the respondent fairly accepted that the respondent Corporation have settled the retirement benefits to the petitioners belatedly. He also submitted that as per the earlier orders passed by this Court, the petitioners are entitled for interest only at the rate of 4% per annum for the belated payment.

7. In view of the above submissions and with the consent of both parties, there shall be a direction to the respondent to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioners, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioners have not already given up their 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 petitioners.



8. With the above directions, all the writ petitions stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mst/ata

To

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

+3ccs to Mr.V.Ajoy Khose,Advocate,S.R.No.29299, 29298, 29297

+3ccs to Mr.A.Sundaravadhanan,Advocate,S.R.No.29102, 29103, 29104

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NSK/27/05/2022