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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.10257 of 2022

K.Gopal

... Petitioner

Vs.

Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

... 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 his terminal benefits, namely the P.F, Gratuity and Earned Leave Salary to pay a sum of Rs.24,681/- towards difference in Gratuity and to pay wages towards 60 days of earned leave surrendered by the petitioner together with interest at the rate of 12 percentage for all above benefits within a specified time frame fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel (TNSTC)

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay the petitioner interest for the belated payment of terminal benefits, namely P.F and Gratuity, Earned Leave salary and to pay difference amount in Gratuity and to pay wages towards the 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.

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

3. The petitioner was working as Conductor under the respondent Transport Corporation and he retired from service on



attaining the age of superannuation on 31.08.2019. But, the respondent Corporation has settled the retirement benefits to the petitioner belatedly, without any interest. Further, the respondent Corporation has not paid the difference amount of Rs.24,681/- in Gratuity and also not paid amount towards 60 days of encashment of Earned Leave surrendered by the petitioners, as admitted by their reply dated 13.12.2019 under RTI Act. Hence, he made representation, but the respondent neither given reply nor settled the amount. Hence, the writ petition.

4.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 difference in Gratuity concerned, the same will be considered by the authorities concerned and appropriate orders will be passed.

5. 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 the amount for 60 days of Earned Leave, as admitted by their reply under RTI Act along with interest at the rate of 4% p.a. ; and to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits, within a period of twelve weeks 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 difference in Gratuity is concerned, the respondent is directed to consider the representation of the petitioner and to pass orders, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. 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



mst

To

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The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.A.Sundaravadhanan, Advocate, S.R.No.29090

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.29292

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KV(CO)
CT 01/06/2022