



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.10229, 10233 & 10235 OF 2022

1.M.Gopal

...Petitioner in W.P.No.10229 of 2022

2.S.Manogaran

...Petitioner in W.P.No.10233 of 2022

3.R.Subramanian

...Petitioner in W.P.No.10235 of 2022

Vs.

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

... Respondent in all cases

Prayer in W.P.No.10229 of 2022:

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 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.

Prayer in W.P.No.10233 of 2022:

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 terminal benefits, namely P.F and Gratuity and earned leave salary to pay wages towards 45 days of earned leave surrendered by the petitioner, together with interest at the rate of 18% for all above benefits, within a specified time frame fixed by this Court.



Prayer in W.P.No.10235 of 2022:

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 terminal benefits, namely P.F and Gratuity and to pay wages towards 60 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.

In all cases

For Petitioner : Mr.V.Ajoy Khose

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

COMMON ORDER

The relief sought for in all the writ petitions is 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 the Earned Leave surrendered by the petitioners, together with interest at the rate of 12% for all above benefits, within a specified time frame fixed by this Court.

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

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

4. The petitioners were working as Conductor/ Traffic Inspector/ Senior Grade Typist under the respondent Transport Corporation and they retired from service on attaining the age of superannuation during the year 2019, 2020. But, the respondent Corporation has settled the retirement benefits to the petitioners belatedly, without any interest. Further, the respondents have not paid the amount towards the encashment of Earned Leave surrendered by the petitioners. Hence, they made their individual representations, but the respondents neither



given reply nor settled the amount. Hence, the writ petitions have been filed.

5. The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondent Corporation have settled the retirement benefits to the petitioners belatedly. However, as per the earlier orders passed by this court in similar matters, the petitioners are 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 to the petitioners 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 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.

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

7. With the above directions, the writ petitions are disposed of at the admission stage itself. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst/ata



To

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

+3ccs to Mr.A.Sundaravadhanan, Advocate, S.R.No.29086, 29087,
29089

+3ccs to Mr.V.Ajoy Khose, Advocate, S.R.No.29295, 29293, 29294

W.P.Nos.10229, 10233 & 10235 of 2022

NMI (CO)
PM/01/06/2022