



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14178 of 2022

K.Aarusamy

... Petitioner

Vs.

The 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 a sum of Rs.26,533/- towards difference in Gratuity, a sum of Rs.12,494/- towards difference in earned Leave Salary, which he has surrendered at the time of retirement, to pay interest for P.F. Gratuity and earned Leave salary, to pay wages towards 90 days which he has surrendered while he was in service, together with interest at the rate of 18% for all the above benefits, within a specified time frame, as fixed by this court.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.A.Sundharavadhanan,
Standing Counsel

ORDER

By consent of counsels to both the parties, this writ petition is disposed of today at the admission stage itself.

2. The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay interest for the belated payment of retirement benefits; to pay difference amount in Gratuity and leave salary; and to pay wages towards 90 days of Earned Leave surrendered by him together with interest at the rate of 18% p.a. within a time frame, as fixed by this court.

3. The case of the petitioner in brief.

The petitioner was working as a Driver in the respondent



Corporation and he retired from service on 30.04.2019. A settlement was entered into between the respondent Corporation and the Trade Union under the Industrial Dispute Act. As per the above settlement, the petitioner, is entitled for revision of Pay. As per revised pay, the petitioner is entitled for a sum of Rs.9,90,554/- towards Gratuity and a sum of Rs.5,03,279 towards Earned Leave salary, but the respondent Corporation paid only a sum of Rs.9,64,021/- and Rs.4,90,785/- respectively, that too belatedly. Therefore, the petitioner is entitled to get the difference amount in Gratuity and Earned Leave salary with interest and also to get interest for the belated payment of retirement benefit. Further, the respondent is liable to pay the amount towards encashment of 90 days Earned Leave, surrendered by the petitioner before his retirement. But the respondent has not paid the above amounts. Hence, the petitioner made a representation dated 10.02.2021 to pay the amounts with interest. But there is no response from the respondent. Hence the writ petition.

4. The learned counsel appearing for the petitioner submitted that the respondent had settled the retirements benefits belatedly and hence, as per the earlier orders passed by this court in W.P.No.5641 of 2022 dated 11.03.2022 the petitioner is entitled for interest at the rate of 4% per annum. He would further submitted that the respondent may be directed to pay the difference amount in Gratuity and Earned Leave Salary and to pay the amount towards encashment of 90 days Earned Leave surrendered by the petitioner.

5. The learned Standing Counsel appearing for the respondent submitted that the representation of the petitioner would be considered by the authorities concerned and appropriate orders would be passed in accordance with law. He would further submitted that, if the petitioner is entitled to get the claim made by him, payment of interest will be considered, in the light of the earlier orders passed by this court.

6. In view of the above submissions and also with the consent of both the parties, this court is inclined to pass the following order.

i) The respondent is directed to consider the representation of the petitioner dated 10.02.2021 and to pass appropriate orders, in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

ii) It is made clear that, if the petitioner is entitled for the claim made, he is entitled to get interest at the rate of 4% per annum for the belated payment of retirement benefits



ii) It is made clear that, if the petitioner is entitled for the claim made, the respondent shall pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, 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..

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mst

To

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

+1cc to Mr.V.Ajoy khose, Advocate, S.R.No.32935
+1cc to Mr.A.Sundharavadhanan, Advocate, S.R.No.33204
+1cc to the Government Pleader, S.R.No.33580

W.P.Nos.14178 of 2022

NR(CO)
CT/23/06/2022