

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14248 OF 2022

C. Subramaniam

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by its Managing Director,
No.12, Ramakrishana Road,
Salem - 7.

2. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest for the belated payment of his terminal benefits, namely P.F and Gratuity and to pay wages towards 30 days of earned leave surrendered by the petitioner, together with interest at the rate of 12 % for all above benefits, within a specified time as fixed by this Court.

For petitioner	:	Mr. R. Krishnaswamy
For Respondent	:	Mr. A. Sundaravadhanan
		Standing Counsel
		for R1
		Mr. C.S.K. Sathish,
		Standing Counsel
		for R2

ORDER

The relief sought for in the writ petition is for a Mandamus directing the respondents to pay the petitioner interest for the belated payment of terminal benefits, namely P.F and Gratuity

and to pay wages towards 30 days of earned leave surrendered by the petitioner, together with interest at the rate of 12 % for all above benefits, within a specified time fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsels appearing for the respondents.

3. The petitioner was working as Conductor, under the respondent Transport Corporation and he retired from service on 30.06.2018, on attaining the age of superannuation. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest and also not paid wages towards 30 days of earned leave surrendered by him. Hence, he made a representation on 10.03.2022 to pay interest for the belated payment and payment of wages towards surrender of earned leave, but the respondents neither given reply nor paid the same. Hence, he has filed the instant writ petition before this Court.

4. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioners without any interest, and the respondents have also not paid 30 days of earned leave surrendered by the petitioner and despite requests made by him, the respondents did not pay interest for the belated payment of retirement benefits and the earned leave surrendered by him. He has also relied on a decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits, on the same line, orders may be issued in the present writ petition.

5. The learned Standing Counsel appearing for the respondents fairly accepted the fact that the respondents Corporation have settled the retirement benefits to the petitioner belatedly. He also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.

6. The learned Standing Counsel appearing for the respondents further submitted that the respondents will consider the petitioner's representation with regard to payment of wages towards 30 days of earned leave surrendered by him.

7. In view of the above submissions and with the consent of both parties, insofar as for payment of interest is concerned, there shall be a direction to the respondents to 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 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 petitioner and insofar as payment of wages towards 30 days of earned leave surrendered by the petitioner is concerned, the respondents are directed to consider the representation of the petitioner dated 10.03.2022 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishana Road,
Salem - 7.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.33796
+1cc to Mr.A.Sundaravadhanan, Advocate, S.R.No.33324
+1cc to the Government Pleader, S.R.No.34539

W.P.No.14248 of 2022

SSN(CO)
PM/12/07/2022;