

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14911 of 2022

P.Elangovan
(Rtd Staff No.FC0519)

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited, No.12, Ramakrishna Salai,
Salem 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai.

... Respondents

Prayer Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to disburse the payments relating to belated payment of interest amount of Provident Fund, Gratuity, Earned Leave Salary and other benefits like ERBS Pension Amount, EL Surrender arrears 2009-2011, EL Surrender arrears 2016-2017, 7 days salary and IRT share amount with effect from 01.05.2018, within the stipulated time, as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For Respondents: Mr.R.Balaji, Standing Counsel for R1
Mr.P.Ganesan, SC for R2

ORDER

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

2. This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to pay interest for the belated payment of retirement benefits and to pay other benefits, within the stipulated time, as may be fixed by this court.

3. The case of the petitioner in brief:

The petitioner was working as a Conductor in the respondent Corporation and he retired from service on superannuation on 30.04.2018. But the retirement benefits, i.e. Provident Fund, Gratuity, Earned Leave, Social Welfare Scheme amount were paid belatedly on 22.01.2021 without any interest. Further, the respondents have not paid the Earned Leave salary and Social Welfare Scheme amount and ERBS Pension, IRT share amount. Hence the petitioner made representations and last such representation is dated 11.05.2022. But the same were not considered by the respondents. Hence the writ petition.

4. The learned Standing Counsel appearing for the respondent Corporation 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 other benefits is 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 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 other benefits i.e. Earned Leave Salary surrender arrears, Social Welfare Scheme amount and ERBS Pension, IRT share amount are concerned, the respondent is directed to consider the representation of the petitioner dated 11.05.2022 and pass orders, on its own merits, in accordance with law, within a period of twelve months 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 IV)

True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Salem) Limited, No.12, Ramakrishna Salai,
Salem 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai, Chennai.

+1cc to Mr.N.Desinghu, Advocate, S.R.No.37126
+1cc to Mr.CSK.Sathish, Advocate, S.R.No.37147

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NR[co]
NSK/11/07/2022