

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.15149, 15151, 15153, 15155
15156, AND 15162 OF 2022

K.Palanisamy	...	Petitioner in WP.15149/2022
K.Rajendran	...	Petitioner in WP.15151/2022
P.Anbalagan	...	Petitioner in WP.15153/2022
P.Chinnanan	...	Petitioner in WP.15155/2022
A.Manisekaran	...	Petitioner in WP.15156/2022
P.Parvathi	...	Petitioner in WP.15162/2022

Vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director.
No.12, Ramakrishnan Road, Salem-7.
 2. Tamil Nadu State Transport Corporation
Employees' pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam Pallavan Salai,
Chennai 600 002.
- ... Respondents in all writ petitions

Prayer in all writ petitions: 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 at the rate of 12% per annum for the belated payment of his PF, Gratuity, commuted value of pension and Earned leave salary, and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the post retirement benefits scheme, together with interest at the rate of 12% , within a time frame as fixed by this court.

In all writ petitions

For Petitioner : Mr.R.Krishnaswamy for
Ms.Porkodi

For Respondents : Mr.K.Raja for R1
Mr.C.S.K.Sathish for R2

COMMON ORDER

By consent of counsels for both the parties, the writ petitions are disposed of, at the admission stage itself.

2. The relief sought for in the writ petitions are for a Mandamus seeking direction to the respondents to pay interest at the rate of 12% per annum for the belated payment of retirement benefits and also to pay other benefits namely, Social Security Scheme, Family Benefit Fund, IRT Contributions, to refund contributions under the post retirement benefits scheme, together with interest at the rate of 12% , within a time frame as fixed by this court.

3. The facts and circumstances of the case and the issues involved in all the writ petitions are one and the same and hence, this court passes the common order.

4. The petitioners were working under the respondent Transport Corporation and they retired from service in the year 2018, 2019. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Further, the respondents have not paid the other amounts namely, Social Security Scheme, Family Benefit Fund, IRT Contributions and did not refund the contributions under the post retirement benefits scheme. Hence, they made their individual representations. But, it was not considered by the respondents. Hence, these writ petitions.

5. The learned counsel appearing for the petitioners submitted that, the respondents have not paid the interest to the petitioners for the belated settlement of retirement benefits and also not paid the other amounts payable to the petitioners, despite requests made by them. Hence, the respondents may be directed to pay the interest and other amounts.

6. The learned Standing Counsel appearing for the respondents fairly accepted the fact that the respondent Corporation have settled the retirement benefits to the

petitioners belatedly. He also submitted that as per the earlier orders passed by this Court, the petitioners are entitled for interest only at the rate of 4% per annum for the belated payment. As far as the relief under the other heads are concerned, the representations of the petitioners will be considered by the authorities concerned and orders will be passed.

7. In view of the above submissions and with the consent of both parties, it is ordered as follows.

i) The first respondent is directed to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioners, within a period of four months 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) As far as the other payments namely Social Security Scheme, Family Benefit Fund, IRT Contributions and refund of contributions under the post retirement benefits scheme are concerned, the first respondent is directed to consider the representations of the petitioners and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petitions in W.P.15149, 15151, 15153, 15155, 15156 and 15162 of 2022 stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director.
The Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishnan Road, Salem-7.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' pension Fund Trust,
Thiruvalluvar Illam Pallavan Salai,
Chennai 600 002.

+6ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.37242, 37244, 37245,
37246, 37247 and 37248

+6ccs to Mr.K.Raja, Advocate, S.R.Nos.37458 to 37462 and 37464

W.P.Nos.15149, 15151, 15153,15155,
15156 and 15162 of 2022

KK(CO)
RLP(14/07/2022)