

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14950, 14953, 14954, 14955,
14956 AND 14958, OF 2022

WP.NO.14950 of 2022:

1 K.Lakshmi Narayanamoorthi Staff
No. CR2373 S/o.Krishnan No.56 /2
Yerikarai Adivaaram Bodinayakanpatti P.O
Sooramangalam Salem- 636 005.

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
Rep by its The Managing Director
No.12 Ramakrishna Road
Salem- 7.

2 Tamil Nadu State Transport Corporations
Employees pension Fund Trust
Rep by its Adminitrator Thiruvalluvar Illam
pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the Petitioner interest for the belated payment of terminal benefits namely P.F. earned leave Salary Commuted Value of Pension and Gratuity and to pay wages towards 90 days of earned leave surrendered by the Petitioner together with interest at the rate of 12 percent for all above benefits within a specified time frame as may be timed by this Honble court Award Costs.

WP.NO.14953 of 2022:

1 E.Vijayamohan Staff
No.DR.18 94 S/o.Ethiraju Naidu
No.24/ 5 Nadutheru Kalappanaickenpatti P.O
Senthamangalam Taluk
Namakkal - 637 001.

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
Rep by its The Managing Director
No.12 Ramakrishna Road
Salem- 7.

2 Tamil Nadu State Transport Corporations
Employees pension Fund Trust
Rep by its Adminitrator Thiruvalluvar Illam
pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the Petitioner interest for the belated payment of terminal benefits namely P.F. earned leave Salary Commuted Value of Pension and Gratuity and to pay wages towards 45 days of earned leave surrendered by the Petitioner together with interest at the rate of 12 percent for all above benefits within a specified time frame as may be timed by this Honble court Award Costs.

WP.NO.14954 of 2022:

1 A.Elango Staff No. AR0682
S/o.Anantha Kander No.77-A Poyyeri
Kuppuchipalayam P.O
Namakkal District- 638 182.

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
Rep by its The Managing Director
No.12 Ramakrishna Road
Salem- 7.

2 Tamil Nadu State Transport Corporations
 Employees pension Fund Trust
 Rep by its Adminitrator Thiruvalluvar Illam
 pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the Petitioner interest for the belated payment of terminal benefits namely P.F. earned leave Salary Commuted Value of Pension and Gratuity and to pay wages towards 30 days of earned leave surrendered by the Petitioner together with interest at the rate of 12 percent for all above benefits within a specified time frame as may be timed by this Honble court Award Costs.

WP.NO.14955 of 2022:

1 N.Venkatachalam Staff
 No. F DO122 S/o.Narayanasamy
 No.137/ 109C Va.Vu.
 Si.Nagar Puthupettai PO Aathur Salem
 District- 636 003.

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
 Rep by its The Managing Director
 No.12 Ramakrishna Road
 Salem- 7.

2 Tamil Nadu State Transport Corporations
 Employees pension Fund Trust
 Rep by its Adminitrator Thiruvalluvar Illam
 pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the Petitioner interest for the belated payment of terminal benefits namely P.F. earned leave Salary Commuted Value of Pension and Gratuity and to pay wages towards 30 days of earned leave surrendered by the Petitioner together with interest at the rate of 12 percent for all above benefits within a specified

time frame as may be timed by this Honble court Award Costs.

WP.NO.14956 of 2022:

1 C.Subramanian Staff No. DR3
323 S/o.Chidambaram No.4 / 267
Alanganatham Senthamangalam Taluk Namakkal
Distirct- 637 013.

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
Rep by its The Managing Director
No.12 Ramakrishna Road
Salem- 7.

2 Tamil Nadu State Transport Corporations
Employees pension Fund Trust
Rep by its Adminitrator Thiruvalluvar Illam
pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the
Petitioner interest for the belated payment of terminal benefits
namely P.F. earned leave Salary Commuted Value of Pension and
Gratuity and to pay wages towards 15 days of earned leave
surrendered by the Petitioner together with interest at the
rate of 12 percent for all above benefits within a specified
time frame as may be timed by this Honble court Award Costs.

WP.NO.14958 of 2022:

1 D.Arumugam Staff No.DR2538
S/o.Duraisamy Pillai No.2 / 14 Perumal
Kovil Veethi Siththeri P.O Thalaivasal
Taluk Salem- 636 101

... Petitioner

Vs

1 Tamil Nadu State Transport corporation (Salem) Ltd
Rep by its The Managing Director
No.12 Ramakrishna Road
Salem- 7.

2 Tamil Nadu State Transport Corporations
 Employees pension Fund Trust
 Rep by its Adminitrator Thiruvalluvar Illam
 pallavan Salai Chennai- 600 002.

... Respondents

Prayer:

Writ of Mandamus Directing the Respondent to pay the Petitioner interest for the belated payment of terminal benefits namely P.F. earned leave Salary Commuted Value of Pension and Gratuity and to pay wages towards 45 days of earned leave surrendered by the Petitioner together with interest at the rate of 12 percent for all above benefits within a specified time frame as may be timed by this Honble court Award Costs.

In all writ petitions

For Petitioner : Ms.V.Porkodi

For Respondents : Mr.C.Gauthamaraj,
 Standing Counsel for R1

Mr.C.S.K.Sathish for R2

COMMON ORDER

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

2. 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.

3. All the writ petitions have been filed to issue a Writ of Mandamus, directing the respondents to pay interest for the belated payment of retirement benefits and to pay wages towards the earned leave surrendered by the petitioners along with interest, within the stipulated time, as may be fixed by this court.

4. The case of the petitioner in brief:

The petitioners were working as Conductor/Driver/Assistant in the respondent Corporation and they retired from service in

the year 2018, 2019 and 2020. But the retirement benefits, i.e. Provident Fund, Gratuity, Earned Leave Salary and Commutation were paid to the petitioners belatedly, without any interest. Further, the respondents have not paid the wages towards the Earned Leave surrendered by the petitioners. Hence the petitioners made their respective representations, but the same were not considered by the respondents. Hence the writ petitions.

5. The learned Standing Counsel appearing for the respondent Corporation 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 wages towards Earned Leave surrendered by the petitioners are 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 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 prayer with regard to the wages towards Earned Leave surrendered by the petitioners are 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 twelve months from the date of receipt of a copy of this order.

7. With the above directions, the writ petitions in W.P.14950, 14953, 14954, 14955, 14956 and 14958 of 2022 are disposed of at the admission stage itself. No costs.

Sd/-

Assistant Registrar

//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' Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.37146
+5ccs to Mr.V.Ajoy Khose, Advocate, S.R.No.36255 to 36257,
36259, 36260

W.P.Nos.14950, 14953, 14954, 14955,
14956, and 14958 of 2022

AKII (CO)
PM/12/07/2022