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W.P.Nos.15122, 15125, 15127, 15131 & 15136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.15122, 15125, 15127, 15131 of 2022

V.Arumugam	...Petitioner in W.P.No.15122of 2022
V.Thirumoorthy	...Petitioner in W.P.No.15125 of 2022
S.Subramani	...Petitioner in W.P.No.15127 of 2022
R.Arjunan	...Petitioner in W.P.No.15130 of 2022
S.Munusamy	...Petitioner in W.P No.15131 of 2022

Vs.

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

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

... Respondent in all W.Ps



W.P.Nos.15122, 15125, 15127, 15131 & 15136 of 2022

Prayer in W.P.No.15122 of 2022: 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, to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.

Prayer in W.P.No.15125 of 2022: 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, to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.

Prayer in W.P.No.15127 of 2022: 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, to settle the amounts payable



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under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.

Prayer in W.P.No.15130 of 2022: 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, to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.

Prayer in W.P.No.15131 of 2022: 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, to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.



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In all cases

For Petitioner : Mr.V.Porkodi

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

COMMON ORDER

The relief sought for in all the writ petitions is for a Mandamus seeking direction to the respondents to pay the petitioners interest at the rate of 12% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Court.



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2. The facts and circumstances and the issues involved in all the writ petitions are one and the same. Hence, this Court passes the common order.

3. Heard the learned Counsel appearing for the petitioners and the learned Standing Counsels appearing for the respondents.

4. The petitioners were working as Senior Tradesman/Senior Grade Driver/Senior Grade Conductor under the respondent Transport Corporation and they retired from service on attaining the age of superannuation during the year 2018 and 2019. But, the respondent Corporation has settled the retirement benefits to the petitioners belatedly, without any interest. Further, the respondents have not paid the amount payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme. Hence, they made their individual representations, but the respondents had neither chosen to give reply nor settled the amount. Hence, the writ petitions have been filed.



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5. The learned Standing Counsels appearing for the respondents 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 representation with regard to the payment towards Social Security Scheme, Family Benefit Fund, IRT Contributions and refund of contributions under the Post Retirement Benefit Scheme is 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 1st respondent is directed to pay penal interest to the petitioners 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



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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 payment towards Social Security Scheme, Family Benefit Fund, IRT Contributions and refund of contributions under the Post Retirement Benefit Scheme is concerned, the 1st 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 weeks from the date of receipt of a copy of this order.

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

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Index:Yes/No
Internet:Yes/No
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(1/2)



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

2. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Rep. by its Administrator
Thiruvalluvar Illam
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D. KRISHNAKUMAR, J.
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