

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.15129, 15134, 15137, 15139, 15142,
15145, 15148, 15150 & 15152 OF 2022

R.Mohan	... Petitioner in W.P.No.15129 of 2022
D.Palanivelu	... Petitioner in W.P.No.15134 of 2022
S.Chinnadurai	... Petitioner in W.P.No.15137 of 2022
N.Jayavel	... Petitioner in W.P.No.15139 of 2022
R.Vijayakumar	... Petitioner in W.P No.15142 of 2022
G.Sukumar	... Petitioner in W.P.No.15145 of 2022
M.Rajendran	... Petitioner in W.P.No.15148 of 2022
P.Moorthy	... Petitioner in W.P.No.15150 of 2022
V.Raman	... Petitioner in W.P No.15152 of 2022

.Vs.

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

... Respondent in
all W.P's

PRAYER IN W.P.NOS.15129, 15134 & 15137, 15145, 15148 & 15152 OF 2022:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner, interest at the rate of 12% per annum for the belated payment of his PF, gratuity and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner while he was in service; 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.15139 OF 2022:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner, interest for the belated payment of his terminal benefits, namely, the PF, gratuity and the surrender leave salary, at the rate of 12% per annum and to pay wages towards 45 days of earned leave surrendered by him, while he was in service and the amounts payable under the 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.15142 OF 2022:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner, interest at the rate of 12% per annum for the belated payment of his terminal benefits, namely, the PF, gratuity and earned leave salary, and to pay him wages towards 75 days of earned leave surrendered by the petitioner, while he was in service and to settle the amounts payable under the 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.15150 OF 2022:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner, interest at the rate of 12% per annum for the belated payment of his PF, gratuity and earned

leave salary, and to pay him wages towards 45 days of earned leave surrendered by the petitioner, while he was in service and to settle the amounts payable under the 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.

IN ALL CASES

For Petitioner : Mr.V.Porkodi

For Respondent : Mr.K.Raja

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 for the belated payment of their PF, gratuity, earned leave salary, to pay the wages towards encashment of earned leave and also 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% & 18%, within a specified time as may be fixed by this Court.

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 Counsel appearing for the respondent.

4. The petitioners were working as Senior Driver Instructor/Senior Grade Driver/Special Grade Senior Driver/Senior Grade Conductor/Senior Tradesman/Foreman/Special Grade Senior 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 towards encashment of earned leave and also the amounts 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 respondent neither given reply nor settled the amount. Hence, the writ petitions have been filed.

5. 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. 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 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 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 encashment of Earned Leave and the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and refund of contributions under the Post Retirement Benefit Scheme is 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 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.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

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

+9ccs to Mr.K.Raja, Advocate, S.R.Nos.37476 to 37484
+8ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.37019 to 37026

W.P.NOS.15129, 15134, 15137, 15139, 15142,
15145, 15148, 15150 & 15152 OF 2022

SSN(CO)
PBS/18/07/2022