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W.P. No. 15922 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 15922 of 2022

P. Arthanari

...Petitioner

Vs.

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

2. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of 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 earned leave salary and commuted value of pension, 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 fixed by this Court.

For Petitioner : Mr. V. Porkodi

For Respondent : Mr. K. Raja
for Transport Corporation



W.P. No. 15922 of 2022

towards surrender of earned leave, but the respondents has neither given reply nor paid the same. Hence, he has filed the instant writ petition before this Court.

4. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioner without any interest, and the respondents have also not paid 30 days of earned leave surrendered by the petitioner and despite requests made by him, the respondents did not pay interest for the belated payment of retirement benefits and the earned leave surrendered by him. He has also relied on a decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits, on the same line, orders may be issued in the present writ petition.

5. The learned Standing Counsel appearing for the respondents fairly accepted the fact that the respondent Corporation have settled the retirement benefits to the petitioner belatedly. He also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.



W.P. No. 15922 of 2022

WEB COPY

6. The learned Standing Counsel appearing for the respondents further submitted that the respondents will consider the petitioner's representation dated 10.03.2022 with regard to payment of wages towards 30 days of earned leave surrendered by him.

7. In view of the above submissions and with the consent of both parties, insofar as for payment of interest is concerned, there shall be a direction to the respondents to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, 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 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 petitioner and insofar as payment of wages towards 30 days of earned leave surrendered by the petitioner is concerned, the respondents are directed to consider the representation of the petitioner dated 10.03.2022 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P. No. 15922 of 2022

WEB COPY 8. With the above directions, the writ petition is disposed of. No costs.

27.06.2022

Index : Yes / No
Internet : Yes/ No
mrn

To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No. 12, Ramakrishna Road,
Salem -7.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002



WEB COPY



W.P. No. 15922 of 2022

D.KRISHNAKUMAR, J.

(mrn)

W.P. No. 15922 of 2022

27.06.2022