



WEB COPY



W.P.No.28094 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28094 of 2022

T.Gopal

... Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,
Ramakrishna Salai,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme
Thiruvallur House, Pallavan Salai,
Chennai - 600 002.

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to disburse the belated payments of interest amount of provident fund, gratuity, earned leave salary, commutation & social welfare fund and others benefits like, ERBS Pension Amount, EL Surrender Arrears for the year of 2009-2011, EL Surrender Arrears for the year of 2016-2017 and IRT Share Amount with effect from 01.07.2019 within the stipulated time.

For Petitioner : Mr.N.Desinghu
For Respondents : Mr.K.Raja
Standing Counsel - R1
: Mr.C.S.K.Sathish - R2.



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ORDER

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This writ petition has been filed for a Mandamus directing the respondents to disburse the belated payments of interest amount of provident fund, gratuity, earned leave salary, commutation & social welfare fund and other benefits like, ERBS Pension Amount, EL Surrender Arrears for the years of 2009-2011, EL Surrender Arrears for the year 2016-2017 and IRT Share Amount with effect from 01.07.2019 within a time frame to be fixed by this Court.

2. Heard Mr.N.Desinghu, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel accepts notice on behalf of the first respondent and Mr.C.S.K.Sathish, learned counsel accepts notice on behalf of the second respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. According to the petitioner, he retired from service on 30.06.2019. But the retirement benefits were paid only on 22.01.2021. Therefore, according to the petitioner, he is entitled for interest for the belated payments.



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4. Learned Standing Counsel appearing for the first respondent/Transport Corporation would submit that insofar as Gratuity, Provident Fund and Commutation are concerned, they were paid belatedly by the respondent Corporation and therefore, the respondent is willing to pay interest @ 4%p.a for the belated payment. However, she would submit that insofar as the remaining amounts claimed by the petitioner is concerned, the petitioner will have to give a fresh representation to the respondents to enable them to consider the same on merits and in accordance with law. The said statement is recorded.

5. After hearing the rival submissions, this writ petition is disposed of by directing the respondents to pay interest @ 4%p.a for the belated payment of Gratuity, Provident Fund and Commutation to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the remaining amounts claimed by the petitioner in this writ petition are concerned, the petitioner will have to give a fresh representation to the respondents to enable them to consider the same on merits and in accordance with law. No costs.

20.10.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE

sr

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,
Ramakrishna Salai,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme
Thiruvallur House, Pallavan Salai,
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