



W.P.No.28473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28473 of 2022

R.Radhakrishnan
(Retd. Staff No.FC0623)

... Petitioner

Vs

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to disburse the belated paymetns 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 year of 2009-2011, EL



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Surrender Arrears for the year of 2016-2017, 7 days salary and IRT Share Amount with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Hon'ble Court

For Petitioner ... Mr.N.Desinghu

For Respondents ... Mr.K.Raja,
Standing Counsel for TNSTC

ORDER

This writ petition has been filed for a Mandamus seeking to disburse the belated payment 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 year of 2009-2011, EL Surrender Arrears for the year of 2016-2017, 7 days salary and IRT Share Amount with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Hon'ble Court.

2. The petitioner has given a representation on 17.09.2022 seeking for payment of interest for the belated payment of Provident Fund, Gratuity, Earned Leave Salary, Commutation & Social Welfare Fund, which according to the petitioner was paid only on 22.01.2021, 25.02.2021 and 23.08.2021 respectively, though he retired from service on 30.06.2019 itself.



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Since the representation has not been considered till date, he has filed this writ petition.

3. Heard the learned counsel for the petitioner, Mr.K.Raja, learned Standing Counsel, accepts notice on behalf of the respondents.

4. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law. It is settled law as laid down by various decisions of this Court that in case of delayed payment of retirement benefits, the employee is entitled for 4% interest. While passing the final orders, the same may be considered by the respondents.

5. For the forgoing reasons, this Court directs the respondents to pass final orders on the petitioner's representation dated 17.09.2022 seeking for payment of interest for the belated payment of Provident Fund, Gratuity, Earned Leave Salary, Commutation & Social welfare Fund and other benefits like ERBS Pension amount, EL Surrender arrears for the year of 2009-2011, EL Surrender Arrears for the year of 2016-2017, 7 days salary and IRT Share Amount, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the aforesaid directions, the Writ Petition is disposed of. No

costs.

28.10.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi

To

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Radhakrishna Salai,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
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ABDUL QUDDHOSE, J.

vsi

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