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W.P.No.28840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28840 of 2022

M.Jayanthi

... Petitioner

Versus

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

2. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep by its Administrator,
Thiruvalluvarillam, 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 pay the petitioner interest at the rate of 18% per annum for the belated payment of her husband's terminal benefits viz., provident fund, gratuity, commuted value of pension and surrender leave salary and 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 18% within a specified time.



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For Petitioner : Mr.V.Ajay Khose

For Respondents : Mr.K.Raja

Standing Counsel

For R.1

Mr.C.S.K.Sathish,

Standing Counsel

R.2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay the petitioner interest at the rate of 18% per annum for the belated payment of the petitioner's husband's terminal benefits viz., provident fund, gratuity, commuted value of pension and surrender leave salary and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and for refund of contributions under the Post Retirement Benefit Scheme within a time frame to be fixed by this Court.

2. The petitioner's grievance is that the aforementioned payments were made belatedly to her. In such circumstances, the petitioner has given a representation on 13.06.2022, seeking for payment of interest for the belated payments. Since the representation has not been considered till date, the petitioner has filed this writ petition.



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3. Heard Mr.V.Ajay Khose, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel accepts notice on behalf of the first respondent and Mr.C.Sathish, learned Government Advocate 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.

4. Learned counsel for the petitioner relies upon an order passed by this Court in WP Nos.25219 of 2021 etc., batch dated 06.12.2021, involving similar issue and in the said order, it has been observed as follows:-

“6. In view of the consensus being reached by the parties, these writ petitions are disposed of with the following directions:-

The Corporation is directed to pay 4% interest to all the employees who have been settled belatedly their retirement benefits within a period of 8 weeks from the receipt of copy of order of this Court. In case, some of the employees who have not been settled their portion of the retirement benefits as such are also entitled to be paid 4% interest till they receive the actual retirement benefits in full.

Those payments would also carry 4% till the date it is fully released by the Corporation. The interest of 4% would cover the period of 8 weeks



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from the date of receipt of copy of this order.

Any further default of the payments by the Corporation, the interest would be enhanced to 6 percent after the expiry of 8 weeks of period of time and such percentage would become payable till the entire amounts are settled to the employees concerned.”

5. Learned counsel for the petitioner would submit that the respondents will have to consider the petitioner's representation in terms of the aforementioned order.

6. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law in the light of the aforementioned common order passed by this Court within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 13.06.2022, seeking for payment of interest for the belated payments of the petitioner's husband's terminal benefits viz., provident fund, gratuity, commuted value of pension and surrender leave salary and to settle the



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amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme within a period of eight weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

01.11.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

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,
Thiruvalluvarillam, Pallavan Salai,
Chennai-600 002

ABDUL QUDDHOSE,J.



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