



W.P.No.28797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28797 of 2022

K.Rajalingamoorthy,
(Pay Roll No.CR 2942)

... Petitioner

Vs

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

2. Tamilnadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam,Pallavan Salai,
Chennai - 631 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the petitioner interest at the rate of 18% per annum for the belated payment of his PF, gratuity and commuted value of pension 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 as may be



W.P.No.28797 of 2022

fixed by this Court.

For Petitioner	...	Mr.V.Porkodi
For Respondents	...	Mr.K.Raja, Standing Counsel for TNSCT for R1 Mr.C.S.K.Sathish, Standing Counsel for R2

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 his PF, gratuity and commuted value of pension and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Constitutions and to refund of contributions under the Post Retirement Benefit Scheme together with interest at the rate of 18% within a specified time as may be fixed by this Court.

2. Heard the learned counsel for the petitioner, Mr.K.Raja, learned Standing Counsel accepts notice on behalf of the 1st respondent and Mr.C.S.K.Sathish, learned Standing Counsel accepts notice on behalf of the 2nd respondent. By consent of both parties, this Writ Petition is taken up for final hearing.

3. The petitioner has given a representation on 13.06.2022 seeking



W.P.No.28797 of 2022

for payment of interest for the belated payment of PF, gratuity and commuted value of pension and to settle the amounts payable under the Social security Scheme, Family Benefit Fund, IRT Contribution and to refund of contributions under the Post Retirement Benefit Scheme. Though the petitioner retired from service on 30.04.2019 itself, the respondents had settled the retirement benefits to the petitioner only on 22.01.2021. Since the representation has not been considered till date, he has filed this writ petition.

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 order, 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 13.06.2022 seeking for payment of interest for the belated payment of PF, gratuity and commuted value of pension and to settle the amounts payable under the



W.P.No.28797 of 2022

Social Security Scheme, Family Benefit Fund, IRT Contribution and to refund of contributions under the Post Retirement Benefit Scheme with 18% rate of interest, within a period of twelve weeks from the date of receipt of a copy of this order.

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

01.11.2022

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

To

1. Tamil Nadu State Transport Corporation (Salem) Ltd.,
rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem - 7.
2. Tamilnadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 631 002.



WEB COPY



W.P.No.28797 of 2022

ABDUL QUDDHOSE, J.

vsi

W.P.No.28797 of 2022

01.11.2022