



W.P.No.28968of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28968 of 2022

L.Sukumar,
Staff No.CR2950

... Petitioner

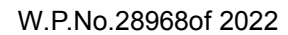
Vs

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 12% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 90 days of earned leave surrendered by the petitioner, while he was in service and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of



For Petitioner	...	Ms.H.Nandhini
For Respondents	...	Mr.K.Raja, Standing Counsel for TNSTC

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 12% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 90 days of earned leave surrendered by the petitioner, while he was in service 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 12% 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 respondents. By consent of both parties, this Writ Petition is taken up for final hearing.



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3. The petitioner has given a representation on 13.06.2022 seeking for payment of interest for the belated payment of PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 90 days of earned leave surrendered by the petitioner, while he was in service 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. 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 without interest. 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



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for payment of interest for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 90 days of earned leave surrendered by the petitioner, while he was in service 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 with 12% 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.

03.11.2022

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

To

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Employees' Pension Fund Trust,
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ABDUL QUDDHOSE, J.

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