



W.P.Nos.33053, 33055 & 33056 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.Nos.33053, 33055 & 33056 of 2022

A.Muthusamy .. Petitioner
in WP 33053/22

K.Ramasamy .. Petitioner
in WP 33055/22

S.Ramasamy .. Petitioner
in WP 33056/22

Vs

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

2.Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. By its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

.. Respondents
in all writ petitions

Petitions filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents to pay
the petitioners interest at the rate of 12% per annum for the belated
payment of their PF, gratuity, commuted value of pension and earned



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leave salary, to pay the amount towards 15 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.

For Petitioner	:	Mr.R.Krishnasamy (in all writ petitions)
For Respondents	:	Mr.K.Raja Standing Counsel for R1 Mr.C.S.K.Sathish Standing Counsel for R2 (in all writ petitions)

COMMON ORDER

These writ petitions have been filed for a mandamus seeking for a direction to the respondents to pay the respective petitioners interest at the rate of 12% per annum for the belated payment of their PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 15 days of earned leave surrendered by the petitioners, while they were in service and to settle the amounts payable under the Social Security Scheme, Family



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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 petitioners. Mr.K.Raja, learned standing counsel accepts notice on behalf of the first respondent and Mr.C.S.K.Sathish, learned standing counsel accepts notice on behalf of the second respondent.

3. By consent of both the parties, these writ petitions are taken up for final hearing.

4. The respective petitioners have given a representation on 08.09.2022 seeking for payment of interest for the belated payment of their PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 15 days of earned leave surrendered by the respective petitioners, while they were 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 respective petitioners retired from service on 30.06.2018, 28.02.2018 and



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31.03.2019 itself, the respondents had settled the retirement benefits to the respective petitioners only on 31.08.2019, 03.11.2018 and 24.09.2019 respectively. Since the representation has not been considered till date, they have filed these writ petitions.

5. No prejudice would be caused to the respondents, if the respective petitioner's representations are 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.

6. For the foregoing reasons, this Court directs the respondents to pass final orders on the respective petitioner's representation dated 08.09.2022 seeking for payment of interest at the rate of 12% per annum for the belated payment of PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 15 days of earned leave surrendered by the respective petitioners, while they were 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



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Retirement Benefit Scheme, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, these Writ Petitions are disposed of. No costs.

07.12.2022

Index:Yes/No
mmi

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 Corporation Employees' Pension Fund
Trust, Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.



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ABDUL QUDDHOSE,J.

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