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W.P. No.33981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33981 of 2022

R.Ramasamy

... Petitioner

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

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue 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 45 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



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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.H.Nandhini

For respondents : Mr.K.Raja,
Standing Counsel for R1

Mr.C.S.K.Sathish for R2

ORDER

The 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 Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary to pay the amounts towards 45 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% per annum, within a time frame to be fixed by this Court.

2.The grievance of the petitioner in this writ petition is that due to



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the belated payment of Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary, he is entitled for interest at the rate of 12% per annum. Apart from the same, the grievance of the petitioner is that he has not been settled the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions. The petitioner has retired from service and has been paid the aforesaid amounts belatedly. In such circumstances, he seeks for interest at the rate of 12% per annum. He has given a representation on 23.09.2022 requesting the respondents to pay interest at the rate of 12% per annum for the belated payment. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Ms.H.Nandhini, learned counsel for the petitioner, Mr.K.Raja, learned Standing Counsel, who accepts notice on behalf of the first respondent and Mr.C.S.K.Sathish, learned counsel, who accepts notice on behalf of the second respondent.

4.No prejudice would be caused to the respondents if the petitioner's representation as stated supra is considered, on merits and in



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accordance with law, within a time frame to be fixed by this Court.

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5.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 23.09.2022 seeking for interest at the rate of 12% per annum for the belated payment of his Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary and the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions, 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 stands disposed of.

No costs.

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Index: Yes/No

vga



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ABDUL QUDDHOSE, J.

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