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W.P. No.33801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33801 of 2022

K.Ganesan

.. Petitioner

vs.

Tamil Nadu State Transport Corporation (Salem) Ltd.

Rep. by its The Managing Director

No.12, Ramakrishna Road

Salem - 7.

.. Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 12% per annum for the belated payment of his PF, gratuity and earned leave salary, to pay the amounts towards 30 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 Hon'ble Court.

For Petitioner : Mr.R.Krishnasamy

For Respondent : Mr.R.Venkatesa Perumal
Standing Counsel



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ORDER

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By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.R.Venkatesa Perumal, learned Standing Counsel accepts notice for the respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pay the petitioner interest at the rate of 12% per annum for the belated payment of his PF, gratuity and earned leave salary, to pay the amounts towards 30 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.

4. The petitioner's grievance is that the respondent have paid the aforementioned amounts belatedly. In such circumstances, he has given a representation on 13.09.2022 seeking for payment of interest for the said belated payments. Since the representation has not been considered, he has filed this writ petition.



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5. Heard Mr.R.Krishnasamy, learned counsel for the petitioner and

Mr.R.Venkatesa Perumal, learned Standing Counsel for the respondent.

6. The learned counsel for the petitioner would now submit on instructions that the petitioner is willing to give a fresh representation as requested by the learned Standing Counsel appearing for the respondent. No prejudice would be caused to the respondent, if the representation of the petitioner seeking for payment of the interest is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondent seeking for payment of interest for the belated payments towards PF, gratuity and earned leave salary, to pay the amounts towards 30 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 for refund of contributions under the Post Retirement Benefit Scheme, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent shall pass final orders on merits and in accordance with law, within a period of eight weeks, thereafter.



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8. With the aforesaid direction, this writ petition is disposed of.

No costs.

16.12.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

drm/vsi2

To:

The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.
No.12, Ramakrishna Road
Salem - 7.



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ABDUL QUDDHOSE, J.

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