



WEB COPY



W.P. No.589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.589 of 2023

S. Gurusubramanian

.. Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishna Salai,
Salem – 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
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 disburse the payments relating to interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation and others benefits likes, Social Welfare Scheme amount, EL Surrender Arrears for the year of 2009-2011, EL Surrender Arrears for the year of 2017-2018, IRT Amount, ERBS Pension Amount, 12(3) wage settlement arrears, 7 days salary and DA Arrears with interest at 10% per annum with effect from 01.10.2019.

For Petitioner	:	Mr.N.Desinghu
For Respondents	:	Mr.K. Raja, Standing counsel for R1 Mr.C.S.K. Sathish, Standing counsel for R2



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ORDER

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr.K. Raja, learned Standing counsel accepts notice for the 1st respondent and Mr.C.S.K. Sathish, learned Standing counsel accepts notice for the 2nd respondent.

3. The grievance of the petitioner in this writ petition is that in view of the delay in payment of retirement benefits to him, he is entitled for interest from the respondent /Transport Corporation.

4. It is settled law as laid down by various decisions of this Court that in case of delay in payment of retirement benefits, the employer is liable to pay interest at the rate of 4% p.a.

5. The petitioner has given a representation on 22.12.2022 to the respondents seeking for payment of interest on account of the delay in payment of Provident Fund, Gratuity, Earned Leave Salary and Commutation and other benefits like, Social Welfare Scheme amount, EL Surrender Arrears for the year 2009-2011, EL Surrender Arrears for the year 2017-2018, IRT Amount, ERBS Pension Amount, 12(3) wage settlement arrears, 7 days salary and DA Arrears with effect from 01.10.2019. Since the representation has not been considered, till date, he



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has filed this writ petition.

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6. Heard Mr.N. Desinghu, learned counsel for the petitioner, Mr.K. Raja, learned Standing counsel for the 1st respondent and Mr.C.S.K. Sathish, learned Standing counsel for the 2nd respondent.

7. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 22.12.2022 seeking for payment of interest on account of the delay in payment of the retirement benefits as stated supra, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition is disposed of.

No costs.

10.01.2023

(1/2)

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

Neutral citation case : Yes / No

vsi2



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ABDUL QUDDHOSE, J.

vsi2

To :

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishna Salai,
Salem – 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
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