



WEB COPY



W.P.No.10109 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 10109 of 2023

C.Masilamani

... Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12 Ramakrishna Road,
Salem – 636 007.

2.The General Manger,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents to disburse the belated payment of 6 % interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation other benefits of Social Welfare Fund, Arrears Earned Leave Surrender in the years 2009-2011 and



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2017-2018, ERBS Pension Amount, 7 Days Salary and IRT Share Amount
with effect from 01.05.2018 within the stipulated time by this Court.

For Petitioner : Mr.N.Desinghu
For Respondent 1&2 : Mr.K.Raja
Standing Counsel

For Respondent 3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to disburse the belated payment of 6 % interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation other benefits of Social Welfare Fund, Arrears Earned Leave Surrender in the years 2009-2011 and 2017-2018, ERBS Pension Amount, 7 Days Salary and IRT Share Amount with effect from 01.05.2018

2. The learned Counsel for the petitioner would submit that initially the petitioner joined as a Conductor in the erswhile Annai Sathiya Transport Corporation now renamed as Tamil Nadu State Transport Corporation(Salem) Ltd, Dharmapuri region and retired from service on



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30.04.2018. At the time of retirement, the petitioner was serving as Selection Grade Checking Inspector in the Dharmapuri region of the 2nd respondent under the control of 1st respondent corporation and he was drawing a basic pay of Rs.49,700/-. He would further submit that after his retirement, the terminal benefits like Provident fund, Gratuity, Earned Leave Salary were paid belatedly on 22.09.2019. Hence, the petitioner is eligible for interest amount for belated payment of retirement benefits, which was not settled till this date. He would also submit that due to non disbursement of belated payment of interest amount, the petitioner made a representation on 05.04.2019 and 09.03.2023 to the respondent Corporation. However, since no action was taken on the part of the respondent Corporation till date, the petitioner is constrained to file this Writ Petition before this Court. He would further submit that the petitioner is entitled to get interest for the belated payment of Provident Fund, Gratuity, Earned Leave Salary and Commutation amounts and other benefits of Social Welfare Fund, Arrears Earned Leave Surrender in the years 2009-2011 and 2017-2018, ERBS Pension Amount, 7 Days Salary and IRT Share Amount with effect from 01.05.2018. Hence, he seeks direction to the respondents corporation.



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3. The learned Standing Counsels appearing for the respondents Corporation submitted that the representation given by the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits.

4. Heard the learned counsel for the petitioner and the learned Standing Counsels for the respondents corporation.

5. In view of the above facts and circumstances of the case, the 2nd respondent Corporation is directed to consider the petitioner's representation dated 05.04.2019 and 09.03.2023 and pass appropriate orders on its own merits and in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

31.03.2023
(2/3)

Index: Yes/ No
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