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W.P.No.17422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.17422 of 2023

A.Kumaravel

... Petitioner

Vs.

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

2.The Administrator,
Tamil Nadu State Transport Corporation Employees
Post Retirement Welfare Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the belated payment of interest amounts to Provident Fund, Gratuity, Earned Leave Salary, Commutation and Social Welfare Fund amounts and other benefits Earned Leave Surrender for the year 2017-2018 , 13(3) wage Settlement Arrears, VRS Compensation, ERBS Pension amount and IRT Share amounts with effect from 02.02.2022 within the stipulated time as may be fixed by this Hon'ble Court.



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

ORDER

The petitioner seeks issuance of a Writ of Mandamus, to direct the respondents to disburse the belated payment of interest amounts to Provident Fund, Gratuity, Earned Leave Salary, Commutation and Social Welfare Fund amounts and other benefits Earned Leave Surrender for the year 2017-2018, 13(3) wage Settlement Arrears, VRS Compensation, ERBS Pension amount and IRT Share amounts with effect from 02.02.2022 within the stipulated time as may be fixed by this Hon'ble Court.

2. The petitioner's case is that on his voluntary retirement, the retirement benefits ought to have been settled by the respondents in February 2022 itself. However, the benefits were settled only in March 2023 after a lapse of 14 months.



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3. It is for the payment of interest for such delayed period, the petitioner has filed the present writ petition.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

5. At the outset, it is represented by Mr.C.S.K.Sathish, learned Standing Counsel appearing for the second respondent that the second respondent is in no way concerned with the disbursal of the benefits and at best, it would be the first respondent, who would be responsible for the same. He would therefore submit that though a general prayer of Mandamus is sought for against both the respondents, the relief can be granted only against the first respondent.

6. The learned counsel for the petitioner has also invited to the attention of this Court to the order in W.P.No.14240 of 2023 dated 01.06.2023, where, this Court has directed the first respondent to pay interest at the rate of 4% per annum for the belated payment/settlement of Terminal Benefits from the date of superannuation till the date of actual payment.

7. The learned Standing Counsel for the first respondent would also fairly



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submit that similar direction can be issued in the present writ petition also.

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8. Recording the same and in view of the facts and submissions set out herein above, the first respondent is directed to pay interest at the rate of 4% per annum on the belated payment of Gratuity, Earned Leave Salary, Commutation and Social Welfare Fund amounts etc., for the period beginning the date of superannuation and ending the date of actual payment, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

13.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem)
Limited,



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No.12, Ramakrishna Road,
Salem - 636 007.

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2.The Administrator,
Tamil Nadu State Transport Corporation Employees
Post Retirement Welfare Fund Trust,
Thiruvalluvar House,
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P.B.BALAJI, J.

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