



WEB COPY



W.P.No.20013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.20013 of 2023

T.Arumugam

.. Petitioner

Versus

Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore – 43.

.. Respondent

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's interest at the rate of 12% per annum for the belated payment of Rs.6,95,979/- towards PF, for Rs.7,70,918/- towards gratuity, for Rs.32,991/- towards earned leave salary, for Rs.31,287/- towards Social Security Scheme, and for Rs.17,256/- towards Post Retirement Benefit Scheme; to pay the petitioner Rs.40,625/- towards Voluntary Retirement Compensation; Rs.4500/- towards IRT Contributions and the amount payable under the Family Benefit Fund Scheme and to pay the petitioner the difference in gratuity and difference in earned leave salary as per the revised



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salary payable to the petitioner as per the settlement dated 24.08.2022, together with interest at the rate of 12% within a specified time.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundharavadanam
Standing Counsel

ORDER

This writ petition has been filed to direct the respondent to pay the petitioner's interest at the rate of 12% per annum for the belated payment of Rs.6,95,979/- towards PF, for Rs.7,70,918/- towards gratuity, for Rs.32,991/- towards earned leave salary, for Rs.31,287/- towards Social Security Scheme, and for Rs.17,256/- towards Post Retirement Benefit Scheme; to pay the petitioner Rs.40,625/- towards Voluntary Retirement Compensation; Rs.4500/- towards IRT Contributions and the amount payable under the Family Benefit Fund Scheme and to pay the petitioner the difference in gratuity and difference in earned leave salary as per the revised salary payable to the petitioner as per the settlement dated 24.08.2022, together with 12% interest per annum.



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2. It is the case of the writ petitioner that he was joined as Conductor on 09.12.1993 under the 1st respondent Corporation and he had retired from service on 28.02.2021 under Voluntary Retirement Scheme. The respondents paid the retirement benefits such as Provident Fund, Earned Leave Salary and Gratuity with a delay of 21 months without any interest. Hence, he made a representation on 11.01.2023, requesting the respondents to pay interest at the rate of 12% per annum for PF, Earned Leave Salary and Gratuity and also requested to settle the terminal benefits namely the VRS compensation, Family Benefit Fund, IRT Contributions with interest and the same has not been considered. Hence, the writ petition.

3. It is the contention of the learned counsel for the petitioner that though certain retirement benefits have been paid and the same have been paid with a delay of 20 months and still the terminal benefits such as VRS compensation, Post Retirement Benefits, Social Security Scheme and IRT contribution have not been paid. The retirement benefits have not been paid on time, which is the last source of income to the retired employee.



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4. In such view of the matter, the respondent Corporation is directed to pay 7% interest per annum for the belated payment of retirement benefits paid to the petitioner and also directed to disburse the unpaid terminal benefits within a period of two months from the date of receipt of a copy of this order, with interest at the rate of 7% per annum for delayed period.

5. With the above direction, the writ petition stands disposed of. There shall be no order as to costs.

07.07.2023

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Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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