



WEB COPY



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

M.Dhanasekaran	... Petitioner in W.P.No.22968 of 2023
R.Udayakumar	... Petitioner in W.P.No.22972 of 2023
V.Muniappa	... Petitioner in W.P.No.22974 of 2023
R.Lakshminarayanan	... Petitioner in W.P.No.22975 of 2023
K.M.Anwar Bhsha	... Petitioner in W.P.No.22977 of 2023

Vs.

1.The Managing Director, Tamil Nadu State Transport Corporation (Salem) Limited, No.12, Ramakrishna Salai, Salem – 636 007.	
2.The General Manager, Tamil Nadu State Transport Corporation (Salem) Limited, Dharmapuri Region, Bharathipuram, Dharmapuri District.	... Respondents in W.P.Nos.22968 & 22975 of 2023



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

WEB COPY

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

2.The General Manager,
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
in W.P.Nos.22972, 22974 &
22977 of 2023

Prayer in W.P.No.22968 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity and Earned Leave salary and other benefits like arrears of Leave Surrender, ERBS pension amount, 10 days salary and IRT share amount with effect from 01.06.2019 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.22972 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity, Commutation and Earned Leave salary and other benefits like arrears of Leave Surrender, ERBS pension amount,



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

VRS Compensation amount, 10 days salary and IRT share amount with effect from 01.12.2021 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.22974 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity, Commutation and Earned Leave salary and other benefits like arrears of Leave Surrender, ERBS pension amount and 11 days salary with effect from 01.06.2019 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.22975 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity, Commutation, Earned Leave salary and other benefits like arrears of Leave Surrender and IRT Share amount with effect from 01.04.2019 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.22977 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity, Commutation, Earned Leave salary and other benefits like arrears of Leave Surrender, ERBS pension amount and 11 days salary with effect from 31.05.2022 within the stipulated time as may be fixed by this Court.



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

For Petitioner : Mr.N.Desinghu
in all writ petitions

For R1 and R2 : Mr.K.Raja
in all writ petitions

For R3 : Mr.C.S.K.Sathish
in W.P.Nos.22972, 22974 &
22977 of 2023

COMMON ORDER

These writ petitions have been filed to direct the respondents to disburse the interest on the belated payment of Provident Fund, Gratuity, Commutation and Earned Leave salary, as applicable in each case, and also to disburse other benefits like arrears of Leave Surrender, ERBS pension amount, 10 or 11 days salary and IRT share amount, as applicable in each case, to the petitioners from the date of their retirement, within a stipulated time.

2.It is the case of the petitioners that they retired from the respondent Corporation, however, their retirement benefits, viz., Provident Fund, Gratuity, Commutation and Earned Leave Salary, as the case may be, were settled belatedly on the following dates :



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date/Month of settlement</i>
W.P.No.22968 of 2023	31.05.2019	January, 2021
W.P.No.22972 of 2023	30.11.2021	May, 2023
W.P.No.22974 of 2023	31.05.2019	January, 2021
W.P.No.22975 of 2023	31.03.2019	30.10.2019
W.P.No.22977 of 2023	31.05.2022	31.05.2023

Therefore, it is the contention of the petitioners that the petitioners are eligible for interest on the belated payment of their retirement benefits, viz., Provident Fund, Gratuity, Commutation and Earned Leave Salary, as applicable in each case. Hence, the petitioners seek interest for the belated payment of their retirement benefits. The petitioners also pray for disbursement of other benefits like arrears of Leave Surrender, ERBS pension amount, 10 or 11 days salary and IRT share amount, as applicable in each case.

3.Heard the learned counsel for the petitioners, Mr.K.Raja, learned counsel, who takes notice for the respondents 1 and 2 and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 3rd respondent in W.P.Nos.22972, 22974 and 22977 of 2023.

4.This Court, in various decisions, have already taken a view that, in all cases of belated payment of terminal benefits, the concerned



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

employee would be entitled to interest at the rate of 4% per annum.

Hence, this Court is of the view that the petitioners are entitled to interest at the rate of 4% per annum on the belated payment of the terminal benefits.

5. Accordingly, the respondents are directed to disburse all the terminal benefits, to which the petitioners are entitled, and also to pay interest at the rate of 4% per annum on the belated payment of all retirement benefits to the petitioners, from the date of their retirement till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions are disposed of.

No costs.

04.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

To
WEB COPY

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Salai,
Salem – 636 007.
- 2.The General Manager,
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.



WEB COPY



W.P.Nos.22968, 22972, 22974, 22975 & 22977 of 2023

N. SATHISH KUMAR, J.
mkn

W.P.Nos.22968, 22972, 22974,
22975 & 22977 of 2023

04.08.2023