



WEB COPY



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.23706, 23712, 23713, 23725,
23730, 23733 & 23737 of 2023

P.Thangavelu	... Petitioner in W.P.No.23706 of 2023
G.Suthandirarajan	... Petitioner in W.P.No.23712 of 2023
R.Subramanian	... Petitioner in W.P.No.23713 of 2023
G.Panneerselvam	... Petitioner in W.P.No.23725 of 2023
P.Anbuselvam	... Petitioner in W.P.No.23730 of 2023
C.Marappan	... Petitioner in W.P.No.23733 of 2023
S.Rajendiran	... Petitioner in W.P.No.23737 of 2023

Vs.

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



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

WEB COPY

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

... Respondents
in W.P.Nos.23706 & 23713 of 2023

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.No.23712 of 2023

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

2.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.23725, 23730,
23733 & 23737 of 2023



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

WEB COPY

Prayer in W.P.No.23706 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 in the years 2009-2012 & 2017-2018, 12(3) Wage Settlement, ERBS pension amount, 7 days salary, VRC Compensation and IRT share amount with effect from 01.10.2020 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.23712 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 in the years 2009-2012 & 2016-2017, 12(3) Wage Settlement, ERBS pension amount, 10 days salary and IRT share amount with effect from 01.07.2022 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.23713 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 in the year 2016-2017, ERBS pension amount and IRT share amount with effect from 01.08.2022 within the stipulated time as may be fixed by this Court.



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

WEB COPY

Prayer in W.P.No.23725 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 in the years 2009-2012 & 2016-2017, ERBS pension amount, 12(3) Wage Settlement, 10 days salary with effect from 01.06.2022 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.23730 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 in the years 2009-2011 & 2016-2017, ERBS pension amount, 10 days salary, VRS Compensation and IRT Share amount with effect from 01.07.2022 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.23733 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 for one day salary, ERBS pension amount with effect from 01.05.2019 within the stipulated time as may be fixed by this Court.



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

Prayer in W.P.No.23737 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 for the years 2009-2012 & 2017-2019, ERBS Pension amount, 7 days salary and IRT Share amount with effect from 01.06.2022 within the stipulated time as may be fixed by this Court.

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

For R1 in all cases : Mr.K.Raja
&
for R2 in W.P.No.23706,
23712 & 23713 of 2023

For R2 in W.P.No.23725, : Mr.C.S.K.Sathish
23730, 23733, 23737 of 2023
&
for R3 in W.P.23712 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, 12(3) Wage Settlement, ERBS pension amount, one, seven or ten day(s) salary, VRC



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

Compensation 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 :

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date of settlement</i>
W.P.No.23706 of 2023	30.09.2020	01.12.2022
W.P.No.23712 of 2023	30.06.2022	22.05.2023
W.P.No.23713 of 2023	31.07.2022	31.05.2023
W.P.No.23725 of 2023	31.05.2022	31.05.2023
W.P.No.23730 of 2023	30.06.2022	22.05.2023
W.P.No.23733 of 2023	30.04.2019	22.01.2021
W.P.No.23737 of 2023	31.05.2022	30.05.2023

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, 12(3) Wage Settlement, ERBS pension amount, one, seven or ten day(s) salary, VRC Compensation and IRT share amount, as applicable in each case.



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

WEB COPY

3.Heard the learned counsel for the petitioners, Mr.K.Raja, learned counsel, who takes notice for the 1st respondent in all writ petitions and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 2nd respondent in W.P.Nos.23725, 23730, 23733 & 23737 of 2023 and 3rd respondent in W.P.No.23712 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 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.



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

WEB COPY

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

No costs.

11.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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.

N. SATHISH KUMAR, J.



WEB COPY



W.P.Nos.23706, 23712, 23713, 23725, 23730, 23733 & 23737 of 2023

mkn

W.P.Nos.23706, 23712, 23713, 23725,
23730, 23733 & 23737 of 2023

11.08.2023