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W.P.Nos.28174, 28175, 28180, 28184 & 28186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.28174, 28175, 28180, 28184 and 28186 of 2023

P.Raju (Retired Staff No.FD5079)

... Petitioner in W.P.No.28174 of 2023

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 in W.P.No.28174 of 2023

Prayer in W.P.No.28174 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 belated payment of interest amount of Provident Fund, Gratuity, Commutation and Earned Leave Salary amounts and other benefits Leave Surrender for the year of 2009 – 2011 & 2017 - 2018, 12(3) Settlement arrears, ERBS Pension amount and 10 Days salary with effect from 01.08.2021.



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A.Kumarasangu (Retired Staff No.CR5703)

... Petitioner in W.P.No.28175 of 2023

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem)
Limited,
No.12 Ramakrishna Road,
Salem – 636 007.
2. The Administrator,
Tamil Nadu Transport Corporation,
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002. ... Respondents in W.P.No.28175 of 2023

Prayer in W.P.No.28175 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 belated payment of interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation amounts and other benefits Arrears of Leave surrender for the year 2009 – 2012 & 2016 – 2018, ERBS Pension amount and 10 days salary with effect from 01.08.2022.

K.C.Murugan (Retired Staff No.FC5294)

.. Petitioner in W.P.No.28180 of 2023

Vs.

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



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

.. Respondents in W.P.No.28180 of 2023

Prayer in W.P.No.28180 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 belated payment of interest amount of Provident Fund, Gratuity, and Earned Leave Salary amounts and other benefits ERBS Pension amount and 10 Days salary with effect from 01.05.2019.

R.Ganesan (Retired Staff No.DR5975)

.. Petitioner in W.P.No.28184 of 2023

Vs.

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

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

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

.. Respondents in W.P. No.28184 of 2023



W.P.Nos.28174, 28175, 28180, 28184 & 28186 of 2023

Prayer in W.P.No.28184 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 belated payment of interest amount of Provident Fund, Gratuity, Commutation & Earned Leave Salary amounts and consequently direct to other benefits Leave Surrender for the year of 2009 – 2012 & 2017 – 2018 ERBS Pension amount, and 10 days salary with effect from 01.07.2019.

B.Nizarjohn, Retired Staff No.CR5601

.. Petitioner in W.P.No.28186 of 2023

Vs.

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

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

... Respondents in W.P.No.28186 of 2023

Prayer in W.P.No.28186 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 belated payment of interest amount of Provident Fund, Gratuity and Earned Leave Salary amounts and consequently direction to other benefits Leave Surrender for the year of



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2009 – 2012 & 2017- 2018, ERBS Pension amount, 10 days salary and IRT Share with effect from 01.07.2019.

For petitioners in all WPs. : Mr.N.Desinghu

For Respondent No.1

in W.P.No.28174 of 2023 : Mr.K.Raja

For Respondent No.2

in W.P.No.28174 of 2023 : Mr.C.S.K.Sathish

For Respondent No.1

in W.P.No.28175 of 2023 : Mr.K.Raja

For Respondent No.2

in W.P.No.28175 of 2023 : Mr.C.S.K.Sathish

For Respondent

Nos.1 & 2 in W.P.No.28180 of 2023 : Mr.K.Raja

For Respondent

Nos.1 & 2 in W.P.No.28184 of 2023 : Mr.K.Raja

For Respondent

No.3 in W.P.No.28184 of 2023 : Mr.C.S.K.Sathish

For Respondent

Nos.1 & 2 in W.P.No.28186 of 2023 : Mr.K.Raja

COMMON ORDER

These writ petitions have been filed to direct the respondents to

disburse the interest on the belated payment of Provident Fund, Gratuity,

<https://www.mhc.tn.gov.in/judis>



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Commutation and Earned Leave salary, as applicable in each case, and also to disburse other benefits like arrears of Leave Surrender, 12(3) settlement arrears, ERBS pension amount, 10 days salary and IRT Share, 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/Month of settlement</i>
W.P.No.28174 of 2023	31.07.2022	25.02.2023
W.P.No.28175 of 2023	31.07.2022	22.05.2023
W.P.No.28180 of 2023	30.04.2019	21.01.2021
W.P.No.28184 of 2023	30.06.2019	21.01.2021
W.P.No.28186 of 2023	30.06.2019	22.01.2021

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)



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settlement arrears, ERBS pension amount, 10 days salary and IRT Share,
as applicable in each case.

3.Heard the learned counsel for the petitioners, Mr.K.Raja, learned counsel, who takes notice for the State Transport Corporation and Mr.C.S.K.Sathish, learned counsel, who takes notice for the Employees Post Retirement Welfare Fund Trust.

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



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date of receipt of a copy of this order.

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

No costs.

29.09.2023

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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 Road,
Salem – 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem)
Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri.
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Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.



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N. SATHISH KUMAR, J.
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