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W.P.Nos.28221, 28223 & 28227 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.28221, 28223 & 28227 of 2023

D.Ganesan

... Petitioner in W.P.No. 28221 of 2023

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram)
Limited,
Kancheepuram Region,
No.3/137, Salamedu, Varuthareddy Post,
Villupuram - 605 602.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employee Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... Respondents in W.P.No.28221 of 2023

Prayer in W.P.No.28221 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 pay the difference in payment of Leave Salary, difference in wages between the date of settlement came into effect and date of Retirement, difference in payment of Pension Arrears, and Contribution of Retirement benefits scheme together with interest @ 4%



W.P.Nos.28221, 28223 & 28227 of 2023

per annum in terms of the 13th Wage settlement dated 04.01.2018 to the petitioner by following the order passed in W.P.No.23447 of 2023 dated 10.08.2023.

S.Sivakumar

... Petitioner in W.P.No.28223 of 2023

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(VPM)Limited,
Kancheepuram Region,
No.3/137, Salamedu Vazhuthareddy Post,
Villupuram - 605 602.

... Respondent in W.P.No.28223 of 2023

Prayer in W.P.No.28223 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to reckon the calculation for the settlement of retirement benefits on the basis of the 7th pay commission vide G.O.MS.No.313, Finance (Pay Cell) Department dated 25.10.2017 and clarification letter No.e file/1706/c.1/2023-1 dated 25.05.2023 issued by Government and to pay the difference in payment of encashment of Leave Salary to the petitioner together with interest of 4% from the date of retirement (30.06.2017) to the date of settlement by following the order passed in W.P.No.23447 of 2023 dated 10.08.2023.



W.P.Nos.28221, 28223 & 28227 of 2023

G.Jayabalan
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... Petitioner in W.P.No.28227 of 2023
Vs.

The Administrator
Tamil Nadu State Transport Corporation
Employee Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. .. Respondent in W.P.No.28227 of 2023

Prayer in W.P.No.28227 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 pay the difference sum of interest paid towards the belated disbursement of the petitioner commuted value of pension with further interest at the rate of 6% per annum from the date of entitlement till the date of actual payment to the petitioner by following the order passed in W.P.No.9754 of 2023 dated 30.03.2023.

For Petitioners in all three WPs. : Mr.V.S.Jagadeesan

For Respondent No.1 in
W.P.No.28221 of 2023 : Mr.R.Venkatesaperumal
For Respondent No.2 in
W.P.No.28221 of 2023 : Mr.C.S.K.Sathish

For Respondent
in W.P.No.28223 of 2023 : Mr.R.Venkatesaperumal

For Respondent
in W.P.No.28227 of 2023 : Mr.C.S.K.Sathish



W.P.Nos.28221, 28223 & 28227 of 2023

COMMON ORDER

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W.P.No.28221 of 2023 has been filed to direct the respondents to pay the difference in payment of Leave Salary, difference in wages between the date of settlement came into effect and date of Retirement, difference in payment of Pension Arrears, and Contribution of Retirement benefits scheme together with interest @ 4% per annum in terms of the 13th Wage settlement dated 04.01.2018 to the petitioner by following the order passed in W.P.No.23447 of 2023 dated 10.08.2023.

2.W.P.No.28223 of 2023 has been filed to direct the respondent to reckon the calculation for the settlement of retirement benefits on the basis of the 7th pay commission vide G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017 and clarification letter No.e file/1706/c.1/2023-1 dated 25.05.2023 issued by Government and to pay the difference in payment of encashment of Leave Salary to the petitioner together with interest of 4% from the date of retirement (30.06.2017) to the date of settlement by following the order passed in W.P.No.23447 of 2023 dated 10.08.2023.



W.P.Nos.28221, 28223 & 28227 of 2023

3.W.P.No.28227 of 2023 has been filed to direct the respondents to pay the difference sum of interest paid towards the belated disbursement of the petitioner commuted value of pension with further interest at the rate of 6% per annum from the date of entitlement till the date of actual payment to the petitioner by following the order passed in W.P.No.9754 of 2023 dated 30.03.2023.

4.It is the case of the petitioners in W.P.No.28221 of 2023 that he retired from service on 31.12.2017. The grievance of the petitioner is that the 13th wage settlement benefits were not extended to the petitioner. Hence, based on the same, the petitioner is claiming difference in payment of Leave Salary, difference in wages between the date of settlement came into effect and date of Retirement, difference in payment of Pension Arrears, and Contribution of Retirement benefits scheme together with interest @ 4% per annum. In this regard, the petitioner has given representation to the respondents on 07.09.2023. Since the same was not considered, W.P.No.28221 of 2023 has been filed.



W.P.Nos.28221, 28223 & 28227 of 2023

5.It is the case of the petitioner in W.P.No.28223 of 2023 that he retired from service on 30.06.2017. The grievance of the petitioner is that the benefits of 7th Pay Commission vide G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 and clarification letter No.e file/1706/c.1/2023-1 dated 25.05.2023 were not extended to the petitioner. Hence, based on the same, the petitioner is claiming the difference in payment of encashment of Leave Salary to the petitioner together with interest of 4% from the date of retirement (30.06.2017) to the date of settlement. In this regard, the petitioner has given representation to the respondents on 11.09.2023. Since the same was not considered, W.P.No.28223 of 2023 has been filed.

6.It is the case of the petitioner in W.P.No.28227 of 2023 that he retired from service on 30.04.2019. However, his terminal benefits were settled belatedly. Hence, the petitioner filed W.P.No.4119 of 2021 seeking interest for belated payment of terminal benefits. This Court, by order dated 25.02.2021, disposed of the writ petition directing the respondents to pay interest @ 4% on the belated payment. However, it is the grievance of the petitioner that only a sum of Rs.6,249/- has been disbursed on 21.06.2021 towards interest for commuted value of pension,



W.P.Nos.28221, 28223 & 28227 of 2023

instead of Rs.62,136/- which is to be paid according to the petitioner. In this regard, the petitioner submitted a representation to the respondents on 18.08.2023. Since the same was not considered, W.P.No.28227 of 2023 has been filed.

7.Heard the learned counsel for the petitioner, Mr.R.Venkatesa Perumal, learned counsel who takes notice for State Transport Corporation and Mr.C.S.K.Sathish, learned counsel who takes notice for the Employees Pension Fund Trust.

8.The learned counsel for the respondents submitted that they would release the eligible amount to the petitioners.

9.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.



W.P.Nos.28221, 28223 & 28227 of 2023

10. Accordingly, the respondents are directed to pay all the eligible amount payable to the petitioners in W.P.Nos.28221 and 28223 of 2023 along with interest at the rate of 4% p.a. on the belated payment of the terminal benefits to the petitioners, from the date of their retirement till the date of actual disbursement within a period of six weeks from the date of receipt of a copy of this order.

11. Insofar as the petitioner in W.P.No.28227 of 2023 is concerned, without expressing any opinion on the merits of the case, this Court directs the respondents to pay the difference sum of interest paid towards the belated disbursement of the petitioner's commuted value of pension at the rate of 4% per annum, subject to the eligibility, within a period of six weeks from the date of receipt of a copy of this order.

12. With the above directions, these writ petitions are disposed of. No costs.

29.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

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



W.P.Nos.28221, 28223 & 28227 of 2023

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