



WEB COPY



W.P.Nos.34813, 34816, 34817, 34819 and 34821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.34813, 34816, 34817, 34819 and 34821 of 2023

N.Sekar	...Petitioner in W.P.No.34813 of 2023
C.Sekar	...Petitioner in W.P.No.34816 of 2023
K.Subramanian	...Petitioner in W.P.No.34817 of 2023
C.Dhanapal	...Petitioner in W.P.No.34819 of 2023
Murugan	...Petitioner in W.P.No.34821 of 2023

Vs

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation,
TNSTC Employees Pension Trust,
Thiruvallur House,



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No.2, Pallavan Salai
Chennai -600 002.

...Respondents in all W.P.'s

PRAYER in W.P.No.34813 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of Provident Fund, Gratuity, Pension Commutation amount, Earned Leave Salary amount, welfare amount, IRT amount and consequently direct the respondents to pay the unsettled benefits of leave Encashment, ERBS amount and six days salary along with interest within the stipulated time as may be fixed by this Hon'ble Court.

PRAYER in W.P.No.34816 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of Provident Fund, Gratuity, Pension Commutation amount, Earned Leave Salary, welfare amount, IRT amount and consequently direct the respondents to settle ERBS amount, leave encashment amount, and last 9 days salary along with interest within the stipulated time as may be fixed by this Hon'ble Court.

PRAYER in W.P.No.34817 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of Provident Fund, Gratuity, Commutation amount, Earned Leave Salary amount, welfare amount, VRS amount, IRT amount and consequently direct the respondents to pay the unsettled benefits of leave Encashment, ERBS



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amount and six days salary along with interest within the stipulated time as may be fixed by this Hon'ble Court.

PRAYER in W.P.No.34819 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of Provident Fund, Gratuity, Pension Commutation amount, Earned Leave Salary, VRS amount, welfare amount, IRT amount and consequently direct the respondents to settle ERBS amount, leave encashment amount, and last 9 days salary along with interest within the stipulated time as may be fixed by this Hon'ble Court.

PRAYER in W.P.No.34821 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of Provident Fund, Gratuity, Pension Commutation, Earned Leave Salary, welfare amount, IRT amount and consequently direct the respondents to settle VRS amount, ERBS amount, leave encashment amount, and last 9 days salary along with interest within the stipulated time as may be fixed by this Hon'ble Court.

In all W.P's
For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.Raja (R1 and R2)
Standing Counsel
Mr.CSK.Sathish (R3)
Standing Counsel

COMMON ORDER



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WEB COPY With the consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. Aggrieved against the belated settlement of the terminal benefits to the petitioners, they have claimed interest on the belated payment in these Writ Petitions.

3. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD).No.26481 of 2019, the following order came to be passed:-

"5.I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further



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prejudice to the retired employee. 6. In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order."

4. This Court is of the view that the first respondent could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5. In the light of the above findings, there shall be a direction to the first respondent herein to pay the interest on the belated payment of the terminal benefits to the petitioners at the rate of 6% per annum, commencing 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.



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M.S.RAMESH,J.

gd

6. Accordingly, these Writ Petitions stand ordered. No costs.

18.12.2023

Index: Yes/No

Speaking order/Non-speaking order

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To

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