



Sub Application (OS) No.952 of 2024 in Cont. Petn. No.382 of

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D. KRISHNAKUMAR, J.

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This sub application has been filed seeking to reopen Cont. Petn. No.382 of 2023 which was closed *vide* order dated 02.06.2023.

2. The petitioners in this sub application and two others filed W.P.No.11212 of 2021 seeking a writ of mandamus directing the first respondent Corporation to pay interest for the belated payments made to them in respect of Gratuity, Commutation, Provident Fund, encashment of Earned Leave, *etc.*

3. When the writ petition was taken up for hearing, the learned Standing Counsel for the first respondent Corporation fairly submitted that since retirement benefits were settled to the petitioners belatedly, they are entitled to 4% interest per annum.

4. Based on the aforesaid submission of the learned Standing Counsel, with the consent of the learned counsel on either side, the writ petition was disposed of *vide* order dated 14.03.2022 directing the respondents to pay penal interest @ 4% per annum for belated payment of retirement benefits to the petitioners. It was further observed in the said order that in the event of default in making such payment, interest shall be paid @ 6% per annum.



5. Alleging noncompliance of the order dated 14.03.2022, five of the writ petitioners filed a contempt petition being Cont. P.No.382 of 2023. Recording the counter affidavit filed by the first respondent Corporation to the effect that the order dated 14.03.2022 has been complied with, the said contempt petition was closed *vide* order dated 02.06.2023.

6. Seeking to re-open Cont.Petn. No.382 of 2023 which was closed vide the aforesaid order dated 02.06.2023, this sub application has been filed.

7. The only ground on which this sub application has been filed for re-opening the contempt petition is that the appropriate authority to pay interest for belated payment of retirement benefits is only the proposed second respondent, viz., the Administrator, Pension Trust, and not the first respondent Transport Corporation. This ground does not cut ice with this Court for the reasons set out *infra*.

8. Concededly, the writ petition itself was filed only for claiming interest for belated settlement of retirement benefits and in the writ petition, rightly, the Administrator, Pension Trust, was arrayed as a party. According to the sub applicants, despite specific direction given in the writ petition to the



respondents to pay interest @ 4% per annum, they were not paid interest and hence, they filed the contempt petition. However, be it noted, in the said contempt petition, the proposed respondent herein, viz., the Administrator, Pension Trust, who was very much a party in the writ petition, was not arrayed as a party for the reasons best known to the sub applicants and it is not known as to what prevented the sub applicants from arraying the Administrator, Pension Trust as a party in the contempt petition. That apart, the contempt petition was closed only on the basis of the counter affidavit filed by the first respondent Corporation to the effect that the order passed in the writ petition has been complied with. In fact, in the counter affidavit, the first respondent has given the details of payments made to each of the writ petitioners and for the sake of ease of reference, the scanned reproduction of the relevant paragraphs of the first respondent's counter affidavit is as under:

5. I further submit that in compliance of the order of this Honble court dated 14.03.2022 in W.P.No.11212 of 2021, 1. V.Ravichandran the corporation had issued a cheque for Rs.26938/- vide Cheque No.822090 Dt.17.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.29994/- vide Cheque No.822013 Dt.17.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.15452/- vide Cheque No.983787 Dt.16.05.2023. 2.R.Chandrasekaran the corporation had issued a cheque for Rs.88416/- vide Cheque No.822092 Dt.17.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.10178/- vide Cheque No.822016 Dt.17.05.2023 for PF interest amount. EL Encasement amount issued a cheque

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for Rs.38991/- vide Cheque No.983789 Dt.16.05.2023. 3.N.Kadirvel the corporation had issued a cheque for Rs.84328/- vide Cheque No.822109 Dt.19.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.73660/- vide Cheque No.822027 Dt.19.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.50597/- vide Cheque No.983785 Dt.16.05.2023. 4.A.S.K.Balasubramanian the corporation had issued a cheque for Rs.49044/- vide Cheque No.822089 Dt.17.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.45081/- vide Cheque No.822012 Dt.17.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.31981/- vide Cheque No.983786 Dt.16.05.2023. 5.M.Kumar the corporation had issued a cheque for Rs.29923/- vide Cheque No.822091 Dt.17.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.19026/- vide Cheque No.822015 Dt.17.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.14669/- vide Cheque No.983788 Dt.16.05.2023. 6.K.Easwaran the corporation had issued a cheque for Rs.84328/- vide Cheque No.822103 Dt.19.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.54182/- vide Cheque No.822026 Dt.19.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.42454/- vide Cheque No.983791 Dt.16.05.2023. 7.R.Sumathi the corporation had issued a cheque for Rs.57110/- vide Cheque No.822093 Dt.17.05.2023 for gratuity interest amount. PF Amount issued a cheque for Rs.44146/- vide Cheque No.822014 Dt.17.05.2023 for PF interest amount. EL Encasement amount issued a cheque for Rs.24283/- vide Cheque No.983790 Dt.16.05.2023.

— Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.

[Signature]
Managing Director

9. Further, it is noteworthy that there was no appearance for the sub applicants when the contempt petition was closed on 02.06.2023. Moreover, when the contempt petition was closed as early as 02.06.2023, this sub application came to be filed only on 22.03.2024, i.e., after a period of over nine months, which only reflects the lethargic attitude of the sub applicants.



In view of the foregoing reasons, this Court finds no merit in this sub application and accordingly, this sub application is dismissed as being devoid of merits.

04.10.2024

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