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Writ Petition No.26086 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26086 of 2024

S.Abdul Kadhar Jailai
S/o.Sheik Mohammed

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
represented by its
The Managing Director,
37, Mettupalayam Road,
Coimbatore - 43.

2.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
represented by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to pay the petitioner arrears of wages interest for the belated payment of the Provident Fund and the Earned Leave/Medical Leave Salary at the rate of 12% p.a.; and to pay the petitioner the difference in wages for the period from 01.01.2022 to 31.05.2022, the difference in earned leave/medical leave salary and the arrears of difference in pension for the period from 01.07.2022 to 28.02.2023 based on the petitioner's revised salary as on the date of the petitioner retirement as per the settlement dated 24.08.2022 with interest at the rate of 12% p.a. and to pay the amounts payable under the Family Benefit Fund, Social Security Scheme, Post Retirement Benefit Scheme and the IRT Contributions with interest at the rate of 12% p.a. within a specified time frame.



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For Petitioner : Mr.G.Vijay Priyan
For Respondents : Mr.R.Venkatesaperumal
Standing Counsel [R1]
Mr.C.S.K.Sathish
Standing Counsel [R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to pay the petitioner arrears of wages interest for the belated payment of the Provident Fund and the Earned Leave/Medical Leave Salary at the rate of 12% p.a.; and to pay the petitioner the difference in wages for the period from 01.01.2022 to 31.05.2022, the difference in earned leave/medical leave salary and the arrears of difference in pension for the period from 01.07.2022 to 28.02.2023 based on the petitioner's revised salary as on the date of the petitioner retirement as per the settlement dated 24.08.2022 with interest at the rate of 12% p.a. and to pay the amounts payable under the Family Benefit Fund, Social Security Scheme, Post Retirement Benefit Scheme and the IRT Contributions with interest at the rate of 12% p.a. within a specified time frame.

2. Heard Mr.G.Vijay Priyan, learned counsel for petitioner, Mr.R.Venkatesaperumal, learned Standing Counsel appearing for first



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respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing
for second respondent.

3. The case of the petitioner is that he joined the service of the first respondent Corporation as a Conductor on 13.07.1990. Ultimately, he retired from service on 31.05.2022 on attaining the age of superannuation.

4. The grievance of the petitioner is that even though he retired from service as early as on 31.05.2022, the respondents have settled the terminal benefits only after a period of one year. In view of the same, the petitioner submitted a representation to the respondents to pay interest for the belated payment of terminal benefits. Since the same was not considered, the present writ petition has been filed.

5. Taking into consideration the facts and circumstances of the case and the grievance expressed by the petitioner, there shall be a direction to the respondents to pay the eligible and admissible amount with interest at the rate of 6% p.a. for the belated payment to the petitioner within a period of six (6) weeks from the date of receipt of a



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N.ANAND VENKATESH, J

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copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch interest at the rate of 12% p.a. from the date on which the amount became due and payable till the date of actual realisation.

6. The petitioner is directed to submit a fresh representation to the respondents along with a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

05.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road, Coimbatore - 43.
- 2.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam,Pallavan Salai, Chennai - 2.

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(5/5)