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Writ Petition No.26208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26208 of 2024

K.Balakrishnan

S/o.Late Kumarasamy

... 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 interest for the belated payment of Provident Fund and the earned leave/medical leave salary at the rate of 12% p.a., the difference in earned leave/medical leave salary and the arrears of difference in pension for the period from 01.12.2020 to 28.02.2023 based on the his revised salary as on the date of his retirement as per the settlement dated 24.08.2022 with interest at the rate of 12% per annum and to pay 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.

For Petitioner : Mr.G.Vijay Priyan



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For Respondents : Mr.C.Gouthamaraj
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 interest for the belated payment of Provident Fund and the earned leave/medical leave salary at the rate of 12% p.a., the difference in earned leave/medical leave salary and the arrears of difference in pension for the period from 01.12.2020 to 28.02.2023 based on the his revised salary as on the date of his retirement as per the settlement dated 24.08.2022 with interest at the rate of 12% per annum and to pay 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.C.Gouthamaraj, learned Standing Counsel appearing for first respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing for second respondent.



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3. The case of the petitioner is that he joined the service of the first respondent Corporation as Conductor on 06.03.1992. Ultimately, he retired from service on 30.11.2020 under the Voluntary Retirement Scheme.

4. The grievance of the petitioner is that even though he retired from service as early as on 30.11.2020, the respondents have settled the terminal benefits only after a period of two years. 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

N.ANAND VENKATESH, J

gm



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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
gm

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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