



WEB COPY

W.P.No.27305 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27305 of 2024

1.S.Santhi

2.S.Shrivarshini

3.S.Yesotha

.. Petitioners

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode – 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporation EPF Trust,
Thiruvalluvar House,
Anna Salai,
Chennai – 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay Retirement Benefits Scheme Recovery amount (RBSR) along with interest and interest for the belated payment of Provident Fund, Gratuity, Encashment of Earned Leave and Commuted Value of Pension, at the



rate of 12% per annum, within a specified time as may be fixed by this Court.

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For petitioners : Mr.N.Senthilkumar
For RR 1 & 2 : Mr.Murali Vinod
Standing Counsel
For R3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay Retirement Benefits Scheme Recovery amount (RBSR) along with interest and interest for the belated payment of Provident Fund, Gratuity, Encashment of Earned Leave and Commuted Value of Pension, at the rate of 12% per annum, within a specified time.

2.The case of the petitioners is that one Shanmugasundaram, who is the husband of the 1st petitioner, the father of the 2nd petitioner and the son of the petitioner, while in service as Senior Tradesman in the respondent Corporation, died on 08.10.2020, leaving behind the petitioners as his legal heirs.



3.The grievance of the petitioners is that though the said Shanmugasundaram died on 08.10.2020 while in service, his terminal benefits were settled only on 02.12.2022 after a delay of two years and the respondents did not even pay the interest for the belated payment. Hence, the petitioners sent representation dated 13.03.2024 to the respondents seeking for payment of interest for the belated payment. Since the same did not evoke any response, the petitioners have come with the present writ petition for the relief sought for above.

4.Heard the learned counsel for the petitioners, learned Standing Counsel for the respondents 1 & 2 and the learned Standing Counsel for the 3rd respondent.

5.Taking into consideration the facts and circumstances of the case and the materials available on record, this writ petition is disposed of with a direction to the 3rd respondent Corporation to pay the eligible amount with interest at the rate of 6% per annum for the delay period in settling the terminal benefits. This payment shall be made within a period of six (6) weeks from the date of receipt of a 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 an interest at the rate of 12% per annum from the date on which



the amount became due and payable till the date of actual realisation.

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6.The petitioners are directed to submit a fresh representation to the 3rd respondent along with a copy of this order. No costs.

19.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Managing Director,
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N.ANAND VENKATESH, J.

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