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Writ Petition No.28249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28249 of 2024

R.Murugesan

... Petitioner

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) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri

3. The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai 600 002

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the Respondents to disburse the 6 percent interest for belated payment of provident Fund, Gratuity, Pension Commutation and Earned Leave Salary and consequently direct the Respondents to pay the unsettled benefits of leave encashment amount and last 7 days salary within the stipulated



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time as fixed by this Honble Court

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For Petitioner : Mr.J.Pradeep
For Respondents : Mr.K.Raja
Standing Counsel for R1 and R2
Mr.C.S.K.Sathish
Standing Counsel for R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to pay interest for the belated payment of provident Fund, Gratuity, Pension Commutation and Earned Leave Salary and for a consequential direction to the respondents to pay the unsettled benefits of leave encashment amount and last 7 days salary within the stipulated time as fixed by this Honble Court.

2. The case of the petitioner is that he was initially joined the services of the respondent Corporation as Conductor. After completion of 32 years of service, the petitioner retired from service on 31.10.2019 as “Selection Grade Senior Conductor”.



3. The grievance of the petitioner is that even though he retired from service as early as in the year 2019, the respondents settled the terminal benefits only in the year 2021 and thereby, there was delay in settling this amount. In view of the same, the petitioner submitted a representation to the respondents seeking for interest. Since the same was not considered, the present writ petition has been filed.

4. Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel for Respondents 1 and 2 and Mr.C.S.K.Sathish, learned Standing Counsel for 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 as payable to the petitioner along with interest at the rate of 6% per annum for the delay period in settling the said amount. This payment shall be made within a period of six 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



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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.

6.The petitioner is directed to submit a fresh representation to the 3rd respondent along with a copy of this order.

7. This writ petition is disposed of with the above directions.

No costs.

30.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

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