



WEB COPY



W.P.No.35344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35344 of 2024
and W.M.P.No.38226 of 2024

1. B.RAMADASS
FOREMAN (RETD)
TNSTC B-15 POKKUVARATHU NAGAR,
LAKKAPURAM P.O. KARUR ROAD,
ERODE-638 002.
- 2 S.JOTHIKUMAR
SR.TRADES MAN (RETD) TNSTC
B 6 ARASU PERUNDHU NAGAR
KASPAPETTAI
ERODE 638 115.
- 3 M.SHANMUGAM
FOREMAN (RETD) TNSTC
PLOT NO.50
VELAN NAGAR
VASANTHAM VELLAMMAL CITY
PERIYA SEMUR
ERODE 638 001.
- 4 S.MANICKAM
SPECIAL GR DRIVER (RETD) TNSTC
29 POOVANDI VALASU
AVAL POONDURAI P.O.
ERODE 638 115



W.P.No.35344 of 2024

WEB COPY

5 P.GANDHIRAMAN
SR.TRADES MAN (RETD) TNSTC
76 KUMANAN VEEDHI
KARUNGALPALAYAM ERODE 638 003.

6 R.ELAMPARITHI
SR.TRADES MAN (RETD) TNSTC
L-36 MANICKAMPALAYAM HOUSIGN UNIT
NASIYANUR ROAD
ERODE 638 011.

7 G.R.SRINVIASAN
SR.GR .SECURITY GUARD (RETD) TNSTC
13 NADU VEEDHI
ERODE-638 001.

PETITIONER(S)

Vs

1 THE TAMIL NADU STATE TRANSPORT
CORPORATION LTD.
COIMBATORE DIVISION I
REP. BY ITS MANAGING DIRECTOR
NO.37 METTUPALAYAM ROAD
COIMBATORE.

2 THE ADMINISTRATOR
TAMIL NADU PENSION TRUST
PALLAVAN SALAI
CHENNAI.

....RESPONDENT(S)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay difference in gratuity and encashment of earned leave as per 13th wage



W.P.No.35344 of 2024

revision effected from 01.09.2016 implemented in the year 2018 and to pay interest for encashment of Earned Leave difference in gratuity along with leave surrendered based on revised pay structure and RBSR Fund with interest to the petitioners.

For Petitioner(s):

Mr.D.ANAND RAJA

For Respondent(s):

MR. M. MURALI VINODH
STANDING COUNSEL FOR R1
MR.C.S.K.SATHISH
STANDING COUNSEL for R2

ORDER

The petitioners have filed this writ petition to issue a Writ of Mandamus to direct the respondents to pay difference in gratuity and encashment of earned leave as per 13th wage revision effected from 01.09.2016 implemented in the year 2018 and to pay interest for encashment of Earned Leave difference in gratuity along with leave surrendered based on revised pay structure and RBSR Fund with interest to the petitioners.

2. The case of the petitioners is that the petitioners joined service at



W.P.No.35344 of 2024

WEB COPY

Tamil Nadu State Transport Corporation and then retired from service after working for more than 30 years in the respondent Corporation. However, the respondents had not chosen to settle the terminal benefits at the time of retirement. and unduly delaying the same for the reasons best known to them. The respondent's act of not remitting the difference of Earned leave and gratuity according to the wage revision has caused serious injustice to the petitioners. Therefore, the respondents are liable to pay interest for the delay. Hence, the petitioners made a representation to the first respondent including the application under RTI dated 22.04.2024 and 26.04.2024 to pay difference in retirement benefits after the 13th wage revision along with interest. The respondents failed to pay difference arising out of wage revision. Hence this petition.

3.The learned counsel for the petitioners submitted that it would be suffice if this Court issues a direction to the respondents to consider the case of the petitioners and pass orders.

4. The learned standing counsel appearing for the respondents



W.P.No.35344 of 2024

WEB COPY

submitted that the petitioners case will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

5. Considering the facts of the case, this Court on submission made by either side counsel directs the respondents to consider the case of the petitioners and pass orders on the claim made by the petitioners within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

6. With the above directions, this Writ Petition stands disposed of.



W.P.No.35344 of 2024

WEB COPY

No order as to costs. Consequently, connected miscellaneous petition is closed.

05.12.2024

Index: Yes/No
Speaking order/Non-speaking order
msv

To

- 1 THE TAMIL NADU STATE TRANSPORT
CORPORATION LTD.
COIMBATORE DIVISION I
REP. BY ITS MANAGING DIRECTOR
NO.37 METTUPALAYAM ROAD
COIMBATORE.
- 2 THE ADMINISTRATOR
TAMIL NADU PENSION TRUST
PALLAVAN SALAI
CHENNAI.

V.BHAVANI SUBBAROYAN,J.



WEB COPY



W.P.No.35344 of 2024

msv

W.P.No.35344 of 2024
and W.M.P.No.38226 of 2024

05.12.2024