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W.P.No.39296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.39296 of 2024

B.Kurusadirajan

... Petitioner

Versus

1. Tamilnadu State Transport Corporation,
(Coimbatore) Ltd., rep. By its Managing Director,
37, Mettupalayam Road, Coimbatore – 43

2. Tamilnadu State Transport Corporation,
Employers' Pension Fund Trust,
rep. By its Administrator, Thiruvalluvar Illam
Pallavan Salai, Chennai - 2

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.34,644/- towards arrears of difference in pension for the period from 01.06.2022 to Feb 2023; and Rs.45,440/- towards difference in earned leave and medical leave salary; to pay a sum of Rs.18,500/-towards the amount payable under the Post Retirement Benefit Fund Scheme; a sum of Rs.4,500/- towards the IRT contributions; to pay the amount payable under the family benefit fund scheme, together with interest at the rate of 12% per annum and to the



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interest at the rate of 12% per annum for the belated payment of Rs.14,26,855/- towards PF for the belated payment of surrendered earned leave wages of Rs.95,972/- which was surrendered while I was in service, for the belated payment of Rs.9,68,531/- towards the commuted value of pension and for the belated payment of Rs.4,09,457/- towards Earned Leave / Medical leave salary within a specified time frame.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.M.Murali Vinodh for R1
Standing Counsel
Mr.C.S.K.Sathish for R2
Standing Counsel

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.34,644/- towards arrears of difference in pension for the period from 01.06.2022 to Feb 2023; and Rs.45,440/- towards difference in earned leave and medical leave salary; to pay a sum of Rs.18,500/- towards the amount payable under the Post Retirement Benefit Fund Scheme; a sum of Rs.4,500/- towards the IRT contributions; to pay the amount payable under the family benefit fund scheme, together with



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interest at the rate of 12% per annum and to pay interest at the rate of 12% per annum for the belated payment of Rs.14,26,855/- towards PF for the belated payment of surrendered earned leave wages of Rs.95,972/- which was surrendered while I was in service, for the belated payment of Rs.9,68,531/- towards the commuted value of pension and for the belated payment of Rs.4,09,457/- towards Earned Leave / Medical leave salary within a specified time frame.

2. The case of the petitioner is that the petitioner is retired employee from the Respondent/Corporation. The grievance of the petitioner is that as per new settlement, the basic pay has not been refixed w.e.f. 01.09.2019 and thereby failed to revise the gratuity, earned leave salary, medical leave salary. Similarly, the difference in arrears of revised pension have not been paid, therefore, the petitioner has made a request with the respondents to pay the arrears of difference in pension and difference in EL/ML salary with interest, but the respondents have not turned up. Therefore, the petitioners gave a representation to the respondent 1 and 2 on 28.06.2024 with regard to the said issue. However, no action has been taken by the respondents till date. Hence this petition.



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

4. The learned standing counsel appearing for the respondents submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest per annum 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 representation of the petitioner and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order with 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.



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

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

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Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No
ssd

To

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V.BHAVANI SUBBAROYAN, J.

ssd

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