



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5084 of 2017

M.Thayappan,

..Petitioner

Vs.

1.State Express Transport Corporation Ltd.,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

..Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or directions in the nature of writ, directing the respondent to pay the terminal benefits amount payable to the petitioner including interest for the belated payment of Provident Fund and Gratuity amount together with 18% interest from the date of his retirement i.e. 31.07.2013 to till the date of actual payment made to him and all other attendant benefits within the stipulated period.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiya Singh
Standing Counsel for T.N.S.T.C.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum for the belated payment of the Provident Fund and Gratuity amount within the stipulated time.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Standing Counsel appearing for the respondents. By consent, the Writ petition itself is taken up for final disposal.



3. Having regard to the narrow scope of the present Writ petition, the Writ petition itself is taken up for disposal with the consent of both the learned counsel. The issue in the present Writ petition is only relating to the payment of interest. The fact that there was a delay in settling the Provident Fund and Gratuity amount is not in dispute. Though the learned counsel for the petitioner claim interest at the rate of 18% p.a., for the belated payment of the Provident Fund and Gratuity amount, he has restricted his claim to 6% p.a., with a default interest at the rate of 18% p.a., as it has been repeatedly held by the Hon'ble Division Bench.

4. Hence, this Writ petition is disposed of with a direction to the respondents to pay interest at the rate of 6% p.a., for the belated payment of the Provident Fund and Gratuity amount within a period of three months from the date of receipt of a copy of this order. In case of further delay beyond three months, the respondents are liable to pay interest at 9% p.a. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

State Express Transport Corporation Ltd.,
The Managing Director,
Thiruvalluvar Illam,
Pallavam Salai,
Chennai - 600 002.

+1 cc to Mr.K.Sathiya Singh , Advocate in SR.No. 17286
+1 cc to Mr.A.K.Thangavelu , Advocate in SR.No. 16994

MR

AE/KP/SAR2/12.04.2017/2P/4C

ORDER MADE IN
W.P. (MD) .No.5084 of 2017
23.03.2017