

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.11.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO.30819 OF 2018

R.Mohan

.. Petitioner

- Vs -

Metropolitan Transport
Corporation (Chennai) Ltd.
Rep. by its Managing Director
Pallavan Illam
Pallavan Salai, Chennai - 2.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to pay the petitioner interest at the rate of 12% for the belated payment of PF amount and the gratuity amount for the period from the date of his retirement to the date of actual payment.

For Petitioner : Mr. Ajay Khose

For Respondents: Ms. Rajeni Ramdoss

ORDER

The present petition has been filed by the petitioner for a direction to the respondent to pay interest at the rate of 12% on the belated payment of PF and gratuity amount from the date of retirement to the date of actual payment.

2. The petitioner, after putting in more than 26 years of service, retired from the services of the respondent as Selection Grade Assistant Engineer on voluntary retirement on 30.04.2015. After his retirement from service, while the provident fund accumulation was paid after a delay of 4 months on 22.8.2015, the gratuity amount was paid after a delay of 6 months on 26.10.2015. The leave salary was paid after a delay of 18 months. In view of the inordinate delay in payment of the dues to the petitioner, the petitioner submitted a representation to the respondent claiming interest on the belated payment of terminal benefits. Since, no order has been passed on the said representation, the present petition has been filed.

3. Ms. Rajeni Ramdoss, learned standing counsel for the respondent takes notice and submits that as per the ratio laid down by this Court in W.P. No.43667 of 2016, which has been upheld by the Division Bench of this Court in W.A. No.665 of 2018, interest on belated payments of terminal benefits to the retired employees could only be at the rate of 6%.

4. Following the ratio laid down above, this Court is of the view that it would be suffice to direct the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner within a particular time frame in the light of the ratio laid down in the decisions noted above.

5. In the above circumstances, this writ petition is disposed of directing the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner in the light of the ratio laid down by this Court as noted above, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.
Pallavan Illam
Pallavan Salai, Chennai - 2.

+1cc to Mr. Ajay Khose, Advocate sr.no.79804

+1cc to M/s. Rajeni Ramdoss, Advocate sr.no.80171

W.P. NO. 30819 OF 2018

nr 18/12/2018