



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD) No.6020 of 2020

N.Thennarasu

... Petitioner

/vs./

1.The Management of State Express

Transport Corporation (Tamil Nadu) Limited,
Represented by its
Managing Director,
Pallavan Salai, Chennai-2.

2.The Administrator,

The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioner's terminal benefit including Gratuity, Leave Salary and Commuted Value of Pension from the date of the petitioner's retirement to till the date on which the said benefits were settled to him.

For Petitioner : Mr.A.Rahul

For R-1 and R-2 : Mr.R.Rajamohan

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The case of the petitioner is that the petitioner was working as a Conductor in the first respondent Corporation from 13.06.1986. Thereafter, he was promoted as a Checking Inspector and he retired from his service on 31.08.2018. The grievance of the petitioner is that his terminal benefits including Gratuity, Leave Salary and Commuted Value of Pension have been settled belatedly on 21.09.2019. In this regard, he has given a representation to the respondents on 25.10.2019. But no action has been taken by the respondents till date. Hence, the present Writ Petition has been filed directing the respondents to pay interest at the rate of 18% per annum for the belated payment of the petitioner's terminal benefits.



3. The learned counsel appearing for the petitioner would submit that though the petitioner is not inclined to claim interest on other benefits. However, as per the Tamil Nadu Payment of Gratuity Rules, 1972, the petitioner is entitled to receive the interest for the belated payment of gratuity after thirty days. He would further submit that when there is delay in settling these benefits, the Management is bound to pay interest.

4. The learned counsel appearing for the respondents did not dispute the submissions made by the petitioner's counsel.

5. Considering the facts and circumstances of the case and also considering as per the Gratuity Rules, the respondents are directed to settle the gratuity amount within a period of thirty days from the date of receipt of a copy of this order, failing which, the respondent Corporation is directed to pay interest at the rate of 6% per annum for the belated payment of gratuity amount from the date of entitlement till the date of settlement.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-12922[F] dated 24/03/2020)
+1 CC to M/s.A.RAHUL, Advocate (SR-12924[F] dated 24/03/2020)

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