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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.Nos.27700 & 27701 of 2017

V.Manickavel ...Petitioner in W.P.No.27700 of 2017
Guruperiyasaamy ...Petitioner in W.P.No.27701 of 2017

Vs

M/s.State Express Transport Corporation Ltd.,
Represented by its Managing Director,
No.2 Pallavan Salai,
Chennai-600 002. ...Respondent in both Writ Petitions

PRAYER in W.P.No.27700 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other Writ or order or direction in the nature of Writ, directing the respondent to settle a sum of Rs.57,597/- towards interest for the belated payment of terminal benefits of Commutation, Provident Fund, Gratuity and Social Security Scheme, a sum of Rs.4,500/- towards Erode Engineering College and Perundurai Medical college with interest at the rate of 6% per annum by considering the representation of the petitioner dated 01.08.2017.

PRAYER in W.P.No.27701 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other Writ or order or direction in the nature of Writ, directing the respondent to settle a sum of Rs.51,792/- towards interest for the belated payment of terminal benefits of Commutation, Provident Fund, Gratuity and Social Security Scheme with interest at the rate of 6% per annum by considering the representation of the petitioner dated 01.08.2017.

In both Writ Petitions

For Petitioners : Mr.D.Soundar Raj
For Respondent : Mr.K.Kathiresan



COMMON ORDER

By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

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2. Aggrieved against the belated settlement of the terminal benefits to the petitioners, they have claimed interest on the belated payment in these Writ Petitions.

3. In this regard the Hon'ble Supreme Court in the case of Vijay L. Mahrotra Vs. State of Uttar Pradesh reported in (2001) 9 SCC 687, has held that when the retirement benefits are not paid on the date of retirement are soon after, the retiree would be entitled for interest on the belated payment.

4. This Court is of the view that the respondent could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petitions.

5. In this background, there shall be a direction to the respondent to pay the interest to the petitioners at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three months from the date of receipt of a copy of this order.

6. These Writ Petitions stands allowed in accordance with the above terms. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
State Express Transport Corporation Ltd.,
No.2 Pallavan Salai,
Chennai-600 002.

+2cc to Mr.D.Soundar raj, Advocate, S.R.No.67594, 67595
+2cc to Mr.K.Kathiresan, Standing Counsel for SETC,
S.R.No.67552, 67554

W.P.Nos.27700 & 27701 of 2017

GSM(CO)
SB(03/01/2022)