



W.P.No.4965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4965 of 2022

V. Vasu

... Petitioner

Vs.

Tamil Nadu State Transportation
Corporation (Coimbatore) Ltd.,
Represented by its Managing Director,
Mettupalayam Salai,
Coimbatore 64103

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest at the rate of 6 % per annum for the belated payment of the petitioner Provident Fund, Gratuity, and earned leave salary and also to pay him a sum of Rs.77,930/- towards difference in gratuity with 6% interest and a sum of Rs.57,195/- towards salary for 60 days earned leave surrender by him in a specified time fixed by this court.



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For petitioner : Mr. V. Ajay Khose
For Respondent : Mr. A. Sundaravadanan
for Transport Corporation

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay interest at the rate of 6 % per annum for the belated payment of Provident Fund, Gratuity, and earned leave salary and also to pay him a sum of Rs.77,930/- towards difference in gratuity with 6% interest and a sum of Rs.57,195/- towards salary for 60 days earned leave surrender by him

2. Heard the learned Counsel appearing for the petitioner and the learned Counsels appearing for the respondent.

3. The petitioner was working as Senior Tradesman under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 30.09.2019. At the time of retirement, he was holding the post of Senior Tradesman. But, the respondent has settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made several representations



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to pay interest for the belated payment, but the respondents neither given reply nor pay interest. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, the respondent has settled the retirement benefits to the petitioner, without any interest and despite requests made by him, the respondent did not pay interest for the belated payment of retirement benefits. He has also relied on a decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits, on the same line, orders may be issued in the present writ petition.

5. The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondents Corporation have settled the retirement benefits to the petitioner belatedly. He also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.



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6. In view of the above submissions and with the consent of both parties, in so far as the first prayer is concerned for payment of interest, there shall be a direction to the respondent to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioner has not already given up their right for claiming interest for the retirement benefits. It is also made clear that in default, the respondent-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioner. In so far as the difference in gratuity amount is concerned, the respondent is directed to consider the representation dated 22.07.2021 of the petitioner on merits and in accordance with law and pass orders as expeditiously as possible within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above directions, the writ petition is disposed of. No costs.

04.03.2022

Index:Yes/No
Internet:Yes/No
mrn

To
The Managing Director,
The Tamil Nadu State Transportation
Corporation (Coimbatore) Ltd.,
Mettupalayam Salai,
Coimbatore 64103



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D. KRISHNAKUMAR, J.

(mrn)

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