



WEB COPY



W.P.No.14432 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 24.06.2022**

**CORAM:**

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**

**W.P.No.14432 of 2022**

R.Janakiraman

... Petitioner

vs.

1.The State of Tamil Nadu rep. by  
its Principal Secretary,  
Transport Department,  
Fort. St. George, Chennai – 9.

2.The Managing Director,  
State Express Transport Corporation (TN) Ltd.,  
Chennai – 600 002.

3.Tamil Nadu State Transport Corporations  
Employees' Pension Fund Trust  
Rep. by its Administrator,  
Thiruvalluvar Illam, Pallavan Salai,  
Chennai – 600 002.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle all the terminal benefits with accrued interest thereon at the rate of 6% per annum for the belated payment of leave salary, Provident Fund, gratuity, commutation and other terminal benefits as sought for in his representation dated 17.05.2022 within a time to be stipulated by this Court.



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For Petitioner : Mr.L.Chandrakumar  
For R1 : Mr.T.Chezhiyan  
Additional Government Pleader  
For R2 : Mr.S.Siva Subramani  
Standing Counsel  
For R3 : Mr.C.S.K.Sathish

### **ORDER**

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to settle all the terminal benefits with accrued interest thereon at the rate of 6% per annum for the belated payment of leave salary, provident fund, gratuity, commutation and other terminal benefits as sought for in his representation dated 17.05.2022 within a time to be stipulated by this Court.

2. According to the petitioner, the petitioner was appointed as Tradesman by the respondents/Corporation on 01.06.1987 and he was retired from service voluntarily on 01.10.2021. Thereafter, the respondents/Corporation have not settled the terminal benefits to the petitioner. Hence, the petitioner had made a representation dated 17.05.2022 to the 2<sup>nd</sup> respondent to settle his terminal benefits with accrued interest thereon. The said representation is still pending, no order has been passed.



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Hence, he filed the instant writ petition before this Court.

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3. The learned counsel for the petitioner had also relied on the decision of the Hon'ble Division Bench of this Court in W.A.No.665 of 2018 dated 20.09.2018 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 to be passed in the present writ petition. He further submitted that in the light of the said decision, the petitioner is entitled for interest at the rate of 4% per annum for the belated payment of his terminal benefits.

4. The learned Additional Government Pleader appearing for the 1<sup>st</sup> respondent submitted that if any terminal benefits have been settled to the petitioner belatedly, the petitioner is entitled for interest at the rate of 4% per annum in the light of the aforesaid decision. He further submitted that in default in payment of the said terminal benefits to the petitioner within the time as stipulated by this Court, the petitioner is entitled for interest at the rate of 6% per annum.



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5. Recording the above said statement made by the respondents, this Court is inclined to direct the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 17.05.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

**24.06.2022**  
**(2/2)**

Index : Yes / No  
Internet : Yes / No  
dm



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To

WEB CLERK

1. The Principal Secretary,  
State of Tamil Nadu  
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2. The Managing Director,  
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3. The Administrator,  
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**D.KRISHNAKUMAR. J**

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