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W.P.No.28038 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28038 of 2022

K.Sengottuvel
Staff No.FC 0574
Senior Checking Inspector-Retd. ... Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007. ... Respondents



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Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the petitioner and also to settle the Labour Welfare Fund, ERBS and Institute of Road and Transport Technology (IRTT) Fund with 18% rate of interest within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner	...	Mr.N.Sudhagar Nagaraj
For Respondents	...	Mr.Yogesh Kannadasan, Special Government Pleader for R1 Mr.L.S.M.Hasan Fizal, Additional Government Pleader for R2 & R3

ORDER

This writ petition has been filed for a Mandamus seeking for payment of interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the petitioner and also to settle the Labour Welfare Fund, ERBS and Institute of Road and Transport Technology (IRTT) Fund with 18% rate of interest, within a time frame as may be fixed by this Court.

2. Heard the learned counsel for the petitioner, Mr.Yogesh



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Kannadasan, learned Special Government Pleader, accepts notice on behalf of the 1st respondent and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the 2nd and 3rd respondents.

3. The petitioner has given a representation on 23.03.2022 seeking for payment of interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the petitioner and also to settle the Labour Welfare Fund, ERBS and Institute of Road and Transport Technology (IRTT) Fund with 18% rate of interest. Though the petitioner retired from service on 31.08.2019 itself, the respondents had settled the retirement benefits to the petitioner with a long delay without interest. Since the representation has not been considered till date, he has filed this writ petition.

4. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law. It is settled law as laid down by various decisions of this Court that in case of delayed payment of retirement benefits, the employee is entitled for 4% interest. While passing the final order, the same may be considered by



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the respondents.

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5. For the forgoing reasons, this Court directs the 2nd and 3rd respondents to pass final orders on the petitioner's representation dated 23.03.2022 seeking for payment of interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the petitioner and also to settle the Labour Welfare Fund, ERBS and Institute of Road and Transport Technology (IRTT) Fund with 18% rate of interest, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

28.10.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi

To

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.



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2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishna Road,
Post Box No.713, Salem - 636 007.

3. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
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ABDUL QUDDHOSE, J.

vsi

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