



W.P.No.29000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29000 of 2022

G.. Moorthy
(Jo 6566)

... Petitioner

Vs

1. Tamil Nadu State Transport Corporation (Covai) Ltd.,
rep. by its Managing Director,
No.37, Mettupalayam Salai,
Coimbatore

2. The General Manager,
Tamil Nadu State Transport Corporation (Covai) Ltd.,
Tiruppur Region,
Tiruppur Depot,
Tiruppur.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to pay the petitioner forthwith interest at the rate of 15% per annum, for the belated payment of a sum of Rs.8,34,971/-, Rs.6,34,265/- and Rs.68,153/- towards PF, gratuity and earned leave salary at the rate of 15% p.a for the period of delay of 570 days from his date of retirement to the date of actual payment, and award costs.



W.P.No.29000 of 2022

For Petitioner ... Ms.H.Nandhini

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For Respondents ... Mr.A.Sundaravadhanan
Standing Counsel for TNSCTC

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay the petitioner forthwith interest for the belated payment of a sum of Rs.8,34,971/-, Rs.6,34,265/- and Rs.68,153/- towards PF, gratuity and earned leave salary respectively at the rate of 15% p.a for the period of delay of 570 days from the date of his retirement to the date of actual payment.

2. Heard the learned counsel for the petitioner, Mr.A.Sundaravadhanan, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final hearing.

3. Learned counsel for the petitioner would submit that though the petitioner gave voluntary retirement and was relieved from service on 30.06.2019 itself, the respondents had settled the retirement benefits to the petitioner only on 22.01.2021 without interest. Learned counsel for the petitioner would further submit that the petitioner has given a representation



W.P.No.29000 of 2022

to the respondents to that effect on 20.10.2022 and even though the petitioner has sought for a direction seeking to pay the petitioner forthwith interest for the belated payment of a sum of Rs.8,34,971/-, Rs.6,34,265/- and Rs.68,153/- towards PF, gratuity and earned leave salary at the rate of 15% p.a for the period of delay of 570 days from the date of his retirement to the date of actual payment, he will be satisfied if his representation seeking for the aforesaid relief is considered on merits and in accordance with law within a time frame to be fixed by this Court.

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 the respondents.

5. For the forgoing reasons, this Court directs the respondents to pass final orders on the petitioner's representation dated 20.10.2022 seeking to pay the petitioner forthwith interest for the belated payment of a sum of Rs.8,34,971/-, Rs.6,34,265/- and Rs.68,153/- towards PF, gratuity and



W.P.No.29000 of 2022

ABDUL QUDDHOSE, J.

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vsi

earned leave salary at the rate of 15% p.a for the period of delay of 570 days from the date of his retirement to the date of actual payment, 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.

03.11.2022

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

To

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Coimbatore
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W.P.No.29000 of 2022