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W.P.No.29551 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.29551 of 2022

B.Thiyagarajan

... Petitioner

Versus

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,
Thiruvalluvarillam, Pallavan Salai,
Chennai-600 002

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to pay interest to the petitioner at the rate of 6% p.a for the belated payment of his leave salary, Provident Fund, Gratuity and commutation as sought for in the petitioner's representation dated 17.10.2022 within a time limit to be stipulated by this Court.



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For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Yogesh Kannadasan
SGP
For R.1
Mr.S.Sivasubramani
For R.2
Mr.C.S.K.Sathish
For R.3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay interest for the belated payment of leave salary, Provident Fund, Gratuity and commutation

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice on behalf of the first respondent, Mr.S.Sivasubramani, learned counsel accepts notice on behalf of the second respondent and Mr.C.S.K.Sathish, learned Government Advocate accepts notice on behalf of the third respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. The petitioner claims that he has retired from service, but, his terminal benefits were paid belatedly and in such circumstances, the petitioner claims interest.



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4. It is settled law as laid down by various decisions of this Court that insofar as the delay in payment of terminal benefits are concerned, the employer is liable to pay interest at the rate of 4% p.a. The petitioner has given a representation on 17.10.2022 seeking for the aforementioned relief. Since the representation has not been considered till date, the petitioner has filed this writ petition.

5. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law and after taking note of the fact that insofar as the delayed payment of the terminal benefits are concerned, they are liable to pay interest at the rate of 4%p.a to the petitioner.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 17.10.2022, seeking for payment of interest for the delayed payment towards Gratuity, Earned Leave Salary and Commuted value of pension within a period of eight weeks from the date of receipt of a copy of this order after taking note of the fact that in case of belated payments made to the



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ABDUL QUDDHOSE,J.

sr

petitioner towards his terminal benefits, the respondents are liable to pay interest at the rate of 4% p.a.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

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sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St.George,
Chennai-9.
2. The Managing Director,
State Express Transport Corporation (TN)Ltd.,
Chennai-600 002.
3. The Administrator,
Tamil Nadu State Transport Corporations Employees'
Pension Fund Trust,
Thiruvalluvarillam, Annasalai,
Chennai-600 002

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