



W.P.No.30110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.30110 of 2022

1. M.Mohammed Jalal
2. A. Sivagurunathan
3. M.Pachaiyappan
4. A. Durairaj
5. V. Rajendran

... Petitioners

Vs

1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay interest @ 10% for the belated payment of gratuity, Leave Salary, Employees Provident Fund and Commutation of Pension amount to the petitioners



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For Petitioners	...	Mr.S.T. Varadarajulu
For Respondents	...	Ms.S. Pavithra
		Standing counsel for R1
		Mr.C.S.K. Sathish,
		Standing counsel for R2

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Ms.S. Pavithra, learned Standing counsel accepts notice for the 1st respondent and Mr.C.S.K. Sathish, learned Government Advocate accepts notice for the 2nd respondent.

3. This writ petition has been filed for a Mandamus seeking for payment of interest for the belated payment towards their terminal and pensionary benefits namely gratuity, Leave Salary, Employees Provident Fund and Commutation of Pension to the petitioners, within a time frame to be fixed by this Court.

4. Heard Mr.S.T. Varadarajulu, learned counsel for the petitioners, Ms.S.Pavithra, learned Standing counsel for the 1st respondent and Mr.C.S.K.Sathish, learned Standing Counsel, for the 2nd respondent.



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5. The respective petitioners have given representations on various dates i.e., on 21.09.2022, 22.08.2022, 12.07.2022, 17.08.2022 and 22.04.2021 seeking for payment of interest for the belated payment of their terminal and pensionary benefits namely gratuity, Leave Salary, Employees Provident Fund and Commutation of Pension though they retired from service in the years 2017, 2019 and 2021 respectively. Since the representations have not been considered till date, they have filed this writ petition.

6. No prejudice would be caused to the respondents, if the petitioners' representations are 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 orders, the same may be considered by the respondents.

7. For the forgoing reasons, this Court directs the respondents to pass final orders on the petitioners' representations, as stated supra, seeking



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for payment of interest for the belated payment of their terminal and pensionary benefits namely gratuity, Leave Salary, Employees Provident Fund and Commutation of Pension, within a period of twelve weeks from the date of receipt of a copy of this order.

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

14.11.2022

($\frac{1}{2}$)

Index: Yes/ No
Internet : Yes / No
Speaking Order/Non-speaking Order
vsi2

To
1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 2.

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ABDUL QUDDHOSE, J.

vsi2

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($\frac{1}{2}$)



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