



WEB COPY



W.P. No.30496 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30496 of 2022

P. Balasubramanian

...Petitioner

VS.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to pay the petitioner interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.06.18 to 20.09.19, in paying the amounts paid towards his terminal benefits namely EPF employee's Contribution, Gratuity and Encashment of Earned/ Sick Leaves.

For petitioner	...	Mr.V.Ajoy Khose
For Respondent	...	Mr.A. Sundaravadhanam
		Standing Counsel

ORDER

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

2. Mr.A. Sundaravadhanam, learned Standing counsel accepts notice for the respondent.



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3. This writ petition has been filed for a Mandamus seeking for payment of interest for the belated payment towards his terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned/ Sick Leaves, to the petitioner, within a time frame to be fixed by this Court.

4. Heard Mr. V. Ajay Khose, learned counsel for the petitioner and Mr.A. Sundaravadhanam, learned Standing counsel for the respondent.

5. The petitioner has given representation on 13.04.2022 seeking for payment of interest for the belated payment of his terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned/ Sick Leaves, though he retired from service on 31.05.2018 itself. Since the representation has not been considered till date, he has filed this writ petition.

6. No prejudice would be caused to the respondent, 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 orders, the same may be considered by the respondent.



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7. For the forgoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 13.04.2022, seeking for payment of interest for the belated payment of his terminal and pensionary benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned/ Sick Leaves, 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.

17.11.2022

(2/2)

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

To
The Managing Director,
The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore.



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ABDUL QUDDHOSE, J.

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