



WEB COPY



W.P. No.34457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34457 of 2022

M.Radhakrishnan

.. Petitioner

vs.

Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore-641 043.

.. 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 for the belated payment of terminal benefits, namely, P.F. Gratuity and Earned Leave Salary and to pay Wages towards 30 days of earned leave, surrendered by the petitioner, together with interest at the rate of 12% for all above benefits, within a specified time frame as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.A.Sundaravadhanam

ORDER

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



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2.Mr.A.Sundaravadhanam, learned Standing Counsel accepts notice on behalf of the respondent.

3.The grievance of the petitioner in this writ petition is that he has been paid his terminal benefits belatedly and therefore, he is entitled to claim interest from the respondents. His further grievance is that Provident Fund, Gratuity and the Earned Leave surrendered by him, while he was in service, has also not been paid. The petitioner has given a representation for the aforementioned purpose. Since the said representation has not been considered till date, he has filed this writ petition.

4.Heard Mr.R.Krishnaswamy, learned counsel for the petitioner and Mr.A.Sundaravadhanam, learned Standing Counsel for the respondent.

5.This Court has consistently held in its various decisions that in case of belated payment of the terminal benefits by the employer, the employer is liable to pay interest at the rate of 4% per annum. The same has not been disputed by the learned counsel for the petitioner as well as



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the learned Standing Counsel for the respondent. However, in so far as the claim for encashment of Earned Leave is concerned, the learned Standing Counsel for the respondent would submit that the petitioner's representation seeking for the terminal benefits will be considered, on merits and in accordance with law.

6.For the foregoing reasons, this writ petition is disposed of by directing the respondent to pay interest at the rate of 4% per annum for the belated payment of the terminal benefits to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Insofar as the encashment of 30 days Earned Leave sought for by the petitioner is concerned, the respondent is directed to pay the said sum also, if the petitioner is found eligible, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of.

No costs.

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Index: Yes/No
vga



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ABDUL QUDDHOSE, J.

vga

To

Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore-43.

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