



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.5776 of 2022

P.Shanmugathai

... Petitioner

vs.

The Management of Tamilnadu State Transport
Corporation (Thirunelveli) Ltd.,
Thirunelveli Region,
Represented by its General Manager,
Thirunelveli.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to pay the petitioner interest at the rate of 6% per annum, for the period of delay from 28.02.2020 to 01.06.2021, in paying the amounts paid towards the terminal benefits namely EPF, Gratuity and Encashment of Earned/Sick Leaves of her deceased husband/employee (Late) Periyasamy, Staff No.10515, within a time frame as may be fixed by this Honourable Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner
For Respondent

: Mr. S.Arunachalam
: Mr. R.Rajamohan

O R D E R

Seeking a direction to the respondent to settle interest at the rate of 6% per annum for the belated payment of petitioner's husband terminal benefits namely EPF, Gratuity and Encashment of Earned/Sick Leaves, from the date of death of her husband to till the date on which the said benefits were settled to her, the petitioner is before this Court with the present writ petition.

2.By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the petitioner's husband was working as Special Grade Driver in the respondent corporation. He was died on 27.02.2020 in the middle of his services and his



terminal benefits were settled belatedly. Hence, the petitioner has made a representation to the respondent on 22.11.2021, for interest on the belated payment of the terminal benefits. Since the said representation has not been considered so far, the petitioner is before this Court.

4. In this regard, the learned counsel for the petitioner referred to the Division Bench judgment of this Court made in W.A. (MD) Nos.1883 to 1892 of 2021 dated 04.10.2021. Referring to the said judgment, he would submit that the petitioner is entitled to 6% interest.

5. The learned counsel for the respondent submitted that due to financial crisis they may be permitted to pay the interest on the belated payment in monthly instalments.

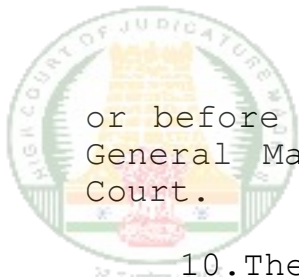
6. Admittedly, the petitioner's husband died on 27.02.2020. However, his terminal benefits were settled belatedly.

7. The Division Bench of this Court in the case cited supra has held as follows:

"8. When the appellant is liable to pay the surrender leave salary on the retirement of their employees, the delay in making payment of the leave salary is solely because of the appellants' inaction. The first respondent writ petitioner cannot be penalized for the wrong done by the appellant. Hence, the award of 6% interest on the surrender leave salary by the learned single Judge is perfectly correct. We do not find any ground to interfere with the orders passed by the learned single Judge. The writ appeals are devoid of merits and the same are dismissed. However, we make it clear that the reliefs granted by the learned single Judge in the writ petitions are confined only to the first respondent/writ petitioners, who have filed the writ petitions. No costs. Consequently, connected miscellaneous Petitions are closed."

8. As held by the Hon'ble Division Bench of this Court, when there is a delay in payment of retirement benefits, the employee is entitled for payment along with interest.

9. In view of the above, this Court is of the view that the petitioner is entitled for the interest at the rate of 6% per annum. Therefore, this Court directs the respondent to pay interest at the rate of 6% per annum for the belated terminal benefits, namely, EPF, Gratuity and Encashment of Earned/Sick Leaves, from the date of death of the petitioner's husband till the date on which the terminal benefits were settled to the petitioner, on



or before 31.07.2022, failing which, the Managing Director or the General Manager (Chief Finance Officer) shall appear before this Court.

10.The Writ Petition is disposed of with the above direction.
No costs.

11.Post this matter on **04.08.2022** 'for reporting compliance'.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The General Manager,
The Management of Tamilnadu State Transport
Corporation (Thirunelveli) Ltd.,
Thirunelveli Region,
Thirunelveli.

2.The Managing Director,
State Transport Corporation (Tirunelveli) Ltd.
Tirunelveli - 627 011.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-15894[F] dated 31/03/2022)

Copy to

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
W.P. (MD) .No.5776 of 2022
31.03.2022

PA(11.04.2022) 3P 5C