



WEB COPY



W.P.No.156 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.01.2023**

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.156 of 2023

N.Selvam

... Petitioner

Vs.

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 Corporation,
Employee's Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 6% per annum for the belated payment of leave salary, provident fund, gratuity and commutation as sought for in the petitioner's representation dated 16.12.2022, within the time frame to be fixed by this Court.



W.P.No.156 of 2---

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.B.Sundaram
Government Advocate
for R1
Mr.S.Siva Subramani
Standing Counsel
for R2

ORDER

The grievance of the petitioner in this Writ Petition is that his employer, viz., the respondent transport corporation, has paid his retirement benefits belatedly and therefore, they are liable to pay interest for the said belated payment.

2. It is settled law as laid down by various decisions of this Court that, in case of delay in payment of retirement benefits, the employer is liable to pay interest at the rate of 4% per annum.

3. The petitioner has given a representation on 16.12.2022, requesting for payment of interest. Eventhough, the petitioner has claimed interest at the rate of 6% per annum in his representation, he is entitled if at all only for 4% interest.



W.P.No.156 of 2---

WEB COPY

4. No prejudice would be caused to the respondent transport corporation if a direction is issued to them to pay interest at the rate of 4% per annum to the petitioner, in case they have paid the retirement benefits to the petitioner, belatedly.

5. For the foregoing reasons, this Court directs the respondent transport corporation to consider the petitioner's representation dated 16.12.2022, seeking payment of interest for the belated payment of his retirement benefits, in the light of the above mentioned observations, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

05.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab



W.P.No.156 of 2017

To

WEB COPY

- 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 Corporation,
Employee's Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.



WEB COPY



W.P.No.156 of 2---

ABDUL QUDDHOSE. J.,

ab

W.P.No.156 of 2023

05.01.2023