



W.P.No.238 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.238 of 2023

G.Thirumalai

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Division,
Villupuram District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Thiruvannamalai District.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to settle the



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interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension, Provident Fund and other retirement benefits payable to the petitioner with 6% rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.Venkatesa Perumal,
for R1 and R2

Mr.C.S.K.Sathish for R3

ORDER

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

2.This writ petition has been filed for a Mandamus seeking for a direction to the respondents to settle the interest for the belated payment of retirement benefits, such as Gratuity, Earned Leave, Commutation of Pension, Provident Fund and other retirement benefits payable to the petitioner with 6% interest per annum, within a time frame to be fixed by this Court.



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3.The grievance of the petitioner in this writ petition is that his retirement benefits were paid belatedly by the respondent Transport Corporation. According to him, he is entitled for interest for the belated payments.

4.Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner, Mr.R.Venkatesa Perumal, learned counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.C.S.K.Sathish, learned counsel, who accepts notice on behalf of the third respondent.

5.It is settled law that as laid down in various decisions of this Court that in case of belated payments of retirement benefits, the employer is liable to pay interest at the rate of 4% per annum. The petitioner has given a representation on 25.10.2021 seeking for payment of interest on account of the belated payment towards his retirement benefits.

6.No prejudice would be caused to the respondents if the petitioner's representation is considered, on merits and in accordance with law in the



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light of the aforementioned observation that in case the retirement benefits are paid belatedly, the employer is liable to pay interest at the rate of 4% per annum.

7.For the foregoing reasons, this Court directs the respondents to pass final orders, on merits and in accordance with law on the petitioner's representation dated 25.10.2021 seeking for payment of interest on account of the belated payment of his terminal benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

05.01.2023

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Index:Yes/No



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To

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ABDUL QUDDHOSE, J

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