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W.P.No.2562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.2562 of 2022

N.Sekar

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
3/137, Salamedu, Villupuram – 605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
Kancheepuram Region, Ponnerikarai,
Chennai – Bangalore national Highway,
Kancheepuram – 631 552.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.1,28,528/- towards difference in Gratuity with interest at the rate of 12 percentage per annum within a specified time as may be fixed by this Court and award costs.



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For Petitioner : Ms.H.Nandhini

For Respondents : Mr.R.Venkatesa Perumal – R1 & R2

ORDER

This Writ Petition has been filed to direct the respondents to pay the petitioner a sum of Rs.1,28,528/- towards difference in Gratuity with interest at the rate of 12 percentage per annum within a specified time as may be fixed by this Court and award costs.

2. It is the case of the Writ Petitioner that he retired from service on 30.04.2014. The grievance of the petitioner is that the 12 [3] wage settlement benefit was not extended to the petitioner. Since the petitioner was in service as on 01.09.2013, the petitioner is also entitled to wage revision benefit with effect from 01.09.2013 to 30.04.2014. The petitioner is claiming the difference in gratuity, leave salary and difference in pension. In this regard the petitioner has given a representation to the respondents on 11.03.2021. However, the same has not been considered by the respondents. Hence, the present Writ Petition



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has been filed to settle the above amount along with 10% interest.

3. Heard Ms.H.Nandhini learned counsel appearing for the petitioner, Mr.R.Venkatesa Perumal, learned counsel appearing for the first and second respondents.

4. The learned counsel for the respondents submitted that they would release the eligible amount to the petitioner.

5. This Court, in various decisions, have already taken a view that in all cases of belated payment of the terminal benefits, the concerned employee would be entitled for interest at the rate of 4% per annum. Hence, this Court is of the view that the petitioner is entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits.

6. Accordingly, the respondents are directed to pay the eligible



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amount payable to the petitioner along with interest at the rate of 4% per annum on the belated payment of the terminal benefits to the petitioner, from the date of his retirement till the date of actual disbursement within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition is disposed of. No costs.

01.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Managing Director,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
3/137, Salamedu, Villupuram – 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
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N.SATHISH KUMAR, J.

VTC

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