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Writ Petition No.3015 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3015 of 2023

M.Nachimuthu

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713, Salem – 636 007.

2. The General Manager,
Tamil Nadu State Transport Corporation (Salem)Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem – 636 007.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Provident Fund and Labour Welfare Fund payable to the petitioner along with 6% rate of interest within the time frame that may be stipulated by this Court.



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Writ Petition No.3015 of 2023

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed for issuance of writ of Mandamus directing the respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Provident Fund and Labour Welfare Fund payable to the petitioner along with interest within the time limit fixed by this Court.

2. The case of the petitioner is that he joined in the service of respondent Corporation on 25.04.1991. The petitioner retired from service on Voluntary Retirement Scheme on 20.09.2020. The further case of the petitioner is that the respondents had settled the retirement benefits with a long delay and no interest was paid for the delayed settlement of the terminal benefits. In view of the same a joint representation was made by the petitioner along with others on 03.01.2023 seeking for payment of interest on the belated settlement of the terminal benefits. Since the same was not considered, the present writ petition has been filed before this Court seeking



for appropriate directions.

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3. Heard Mr.N.Sudhagar Nagaraj, learned counsel for petitioner and Mr.K.Raja, learned Standing Counsel, appearing for respondents.

4. The issue that is involved in the present case is covered by the earlier order passed by this Court and the said order has been consistently followed in all cases. This Court is consistently passing orders by granting interest at the rate of 4% wherever there is a delay in settlement of retiral benefits. The same yardstick can be applied to the facts of the present case also.

5. In view of the above, there shall be a direction to the respondents to pay interest at the rate of 4% per annum for the delay in settling the retiral benefits from the date when it became due till the date on which it is actually paid. This process shall be completed by the respondents within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the respondents along with all relevant documents and also a copy of this order.

N.ANAND VENKATESH, J



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

09.02.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm/rap

To

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