



WEB COPY



W.P.No.3898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.3898 of 2023

P.Palanivel

... Petitioner

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.5 Ramakrishna Road
Salem 636 007.
2. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
Dharmapuri Region
Bharathipuram
Dharmapuri District.
3. The Administrator
Tamil Nadu State Transport
Corporation
Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai 600 002.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the belated payment of interest amount in Provident Fund, Gratuity, Earned Leave Salay and Commutation and other benefits likes, Eared Leave Surrender Arrears VRS Compensation Amount, ERBS Pension and IRT Share Amount and all other retirement Benefits with interest as 12% per annum with effect from 01.07.2018, within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.K.Raja
Standing Counsel
for R1, R2

Mr.C.S.K.Sathish
Standing Counsel
for R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to pay interest on the belated payment of the terminal benefits and also to settle the earned leave surrender arrears, VRS



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compensation amount, ERBS Pension and IRT share amount with interest from 01.07.2018.

2.The case of the petitioner is that he joined as a Junior Assistant on 11.11.1980. The petitioner retired from service on 30.06.2018. According to the petitioner, only certain terminal benefits were settled with a delay. That apart, other terminal benefits like earned leave, surrender arrears, VRS compensation amount, ERBS pension etc., was not even settled to the petitioner.

3.In view of the above, the petitioner made a representation to the respondents on 03.01.2023, seeking for the payment of the benefits along with interest. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.N.Desinghu, learned counsel for the petitioner, Mr.K.Raja, learned Standing Counsel for R1, R2 and Mr.C.S.K.Sathish, learned Standing Counsel for R3.



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5. In the considered view of this Court, wherever there is a delay of settlement of the terminal benefits, this Court has been consistently awarding interest at the rate of 4% p.a. Hence, the same yardstick can be applied to the case of the petitioner also.

6. In the light of the above, there shall be a direction to the respondent Corporation to pay interest at the rate of 4% p.a., on the belated settlement of the terminal benefits viz., PF, gratuity, earned leave salary and commutation of pension. There shall be a further direction to the respondent Corporation to pay the earned leave surrender arrears, VRS compensation and IRT share amount to the petitioner with interest at the rate of 4% p.a., from the date on which it became payable till the date on which it is actually settled to the petitioner. This process shall be completed by the 1st and 2nd respondents within a period of **twelve weeks** from the date of receipt of copy of the order.



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7.This writ petition is disposed of with the above directions. No costs.

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Internet : Yes/No

Index : Yes/No

Speaking Order :Yes/No

Neutral Judgment :Yes/No

To

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N.ANAND VENKATESH,. J.
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