



W.P.No.3233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.3233 of 2023

P.Sasthankutty

... Petitioner

.Vs.

Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep.by the Managing Director
No.12 Ramakrishna Road
Salem-7.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum for the belated payment of his PF, gratuity, and surrender leave salary and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 18% within a specified time, as may be fixed by this Court.



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W.P.No.3233 of 2023

For Petitioner : Ms.H.Nandhini

For Respondent : Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to pay interest for the belated payment of PF, gratuity and surrender leave salary and for a further direction to the respondents to settle the terminal benefits viz., the Social Security Scheme Family Benefit Fund and IRT contributions with interest.

2.The case of the petitioner is that he joined the services of the respondent Corporation in the year 1986. Ultimately, the petitioner retired after reaching the age of superannuation in the year 2019. The further case of the petitioner is that he was only settled with the terminal benefits viz., PF, earned leave salary and gratuity with a delay of 600 days. That apart, the petitioner was also not paid the benefits under the Social Security Scheme, Family Benefit Fund and IRT contributions. Hence, representation was made



W.P.No.3233 of 2023

by the petitioner in this regard. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

3.Heard Ms.H.Nandhini, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel appearing on behalf of the respondent.

4.In the considered view of this Court, insofar as the payment of interest for the belated settlement of terminal benefits, this Court has consistently held that employee will be entitled for 4% interest on the belated payments from the date on which the amount became due, till the date of settlement. Hence, the same yardstick can be applied in this writ petition also and a direction can be given to the respondent Corporation to pay interest at the rate of 4% p.a., on the belated payment of the terminal benefits from the date on which it became due till the date on which it is actually settled.

5.Insofar as the other claims made by the petitioner with respect to the benefits under the Social Security Scheme, Family Benefit Fund and IRT contributions, the same shall be considered by the respondent Corporation



W.P.No.3233 of 2023

based on the representation made by the petitioner on 13.12.2022 and the same shall be settled within a period of **six weeks** from the date of receipt of a copy of this order. The payment of interest for the belated settlement of terminal benefits shall also be paid within a period of **six weeks** from the date of receipt of copy of this order.

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

06.02.2023

1/4

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Internet : Yes/No

Index : Yes/No

Speaking Order :Yes/No

Neutral Judgment :Yes/No



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W.P.No.3233 of 2023

To

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W.P.No.3233 of 2023

N.ANAND VENKATESH,J.

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W.P.No.3233 of 2023

06.02.2023

1/4