



W.P.No.4302 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4302 of 2023

M.Loganathan

...Petitioner

Vs

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

2. The Tamil Nadu State Transport
Corporations Employees'
Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest at the rate of 12% per annum for the belated payment of his PF, gratuity and earned leave salary, to pay the amounts towards 30 days of earned leave surrendered by the petitioner, while he was in service and to settle the amounts payable under the Social Security



W.P.No.4302 of 2023

Scheme, Family Benefit Fund, IRT Contributions and to refund the contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 12% within a specified time.

For Petitioner : Mr.V.Ajoy Khose

For R1 : Mr.K.Raja

ORDER

Heard Mr.V.Ajoy Khose, learned counsel for the petitioner and Mr.K.Raja, learned counsel for the first respondent.

2. In view of the order to be passed in this writ petition, notice to the second respondent is hereby dispensed with.

3. The petitioner herein had retired from service on 31.05.2019 on reaching the age of superannuation. However, his Provident Fund, Gratuity and Earned Leave Salary came to be settled only on 27.01.2021. It is the case of the petitioner that apart from these terminal benefits, there are certain other dues to be paid, for which he has given a representation on 13.12.2022, which is yet to be considered.



W.P.No.4302 of 2023

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4. 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. In this background, this Court is of the view that the petitioner would be entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits and for the remaining claims, the respondent could be directed to consider the petitioner's representation.

5. In the light of the above observations, there shall be a direction to the first respondent to pay interest at the rate of 4% per annum on the belated payment of the terminal benefits in Provident Fund, Gratuity and Earned Leave Salary between 31.05.2019 and 27.01.2021, within a period of four weeks from the date of receipt of a copy of this order. There shall be a further direction to the first respondent to consider the petitioner's representation dated 13.12.2022 on its own merits and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.No.4302 of 2023

M.S.RAMESH,J.

hvk

6. With the above direction, the Writ Petition stands disposed of.

No costs.

21.02.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 7.

2.The Administrator,
Tamil Nadu State Transport
Corporations Employees'
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
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W.P.No.4302 of 2023