



W.P.No.5192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5192 of 2023

K.Thirunavukkarasu

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 43.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode - 638 001.

3.The Administrator,
Tamil Nadu State Transport
Corporation EPF Trust,
Thiruvalluvar House, Anna Salai,
Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay interest for the belated payment of Provident Fund Gratuity and Encashment of Earned Leave at the rate of 12% per annum.



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For Petitioner : Mr.N.Senthil Kumar

For R1 & R2 : Mr.M.Murali Vinodh

For R3 : Mr.C.S.K.Sathish

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Aggrieved against the belated settlement of the terminal benefits to the petitioner, he has claimed interest on the belated payment in this Writ Petition.

3. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD).No.26481 of 2019, the following order came to be passed:-

"5.I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement



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benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee. 6. In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order."

4. This Court is of the view that the first respondent could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5. In the light of the above findings, there shall be a direction to the first respondent herein to pay the interest on the belated payment of the terminal benefits to the petitioner at the rate of 6% per annum, commencing from the date of his retirement, till the date of actual



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disbursement, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands ordered. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

hvk

To

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M.S.RAMESH,J.

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