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W.P.No.6035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6035 of 2023

K.N.Selvaraj

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.05, Ramakrishna Road,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme,
Thiruvalluvar House, 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 respondents to disburse the belated payment of interest of Provident Fund, Gratuity, Earned Leave salary and Social Welfare Fund amounts to be paid and other benefits like VRS Compensation amount, Arrears of Surrender Leave Salary in the year 2009-2011, Arrears of Surrender Leave Salary in the year 2016-



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2019, ERBS Pension and IRT Share Amount, 12(3) Settlement arrears and DA arrears with effect from 01.06.2020.

For Petitioner : Mr.N.Desinghu

For R1 : Mr.K.Raja

ORDER

Heard Mr.N.Desinghu, 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 dispensed with.

3. The petitioner herein had voluntarily retired from service on 31.05.2020. However, his Provident Fund, Gratuity, Earned Leave Salary and Social Welfare Fund came to be settled only on 01.12.2022. 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 representations on 10.04.2022 and 10.02.2023, which are yet to be considered.



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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 respondents 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 herein to pay interest at the rate of 4% per annum on the belated payment of the terminal benefits between 31.05.2020 and 01.12.2022. 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 representations dated 10.04.2022 and 10.02.2023, seeking for payment of the other benefits, excluding the retirement benefits already paid, 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.



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

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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