



W.P.No.6041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Sugumaran

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
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 6% belated payment interest amounts of Provident Fund, Gratuity, Earned Leave Salary amount, ERBS Pension amount and IRT Share Amount, with effect from 21.02.2021.



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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 20.02.2021. However, his terminal benefits came to be settled only on 30.11.2022. It is his case that apart from these terminal benefits, there are certain other dues to be paid, for which he has given a representation on 02.02.2023, which is yet to be considered.

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



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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 20.02.2021 and 30.11.2022, 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 representation dated 02.02.2023, 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.

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

No costs.

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Index:Yes/No
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M.S.RAMESH,J.

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To

- 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.

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