



WEB COPY



W.P.No.10041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 10041 of 2023

S.Kumar

... Petitioner

Versus

1.The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
2, Pallavan Illam,
Anna Salai, Chennai – 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai – 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents to pay interest @ 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and commutation of pension amount to the petitioner.

For Petitioner : Mr.S.T.Varadarajalu
For Respondent 1 : Mr.A.Vinothraj
Standing Counsel
For Respondent 2 : Mr.C.S.K.Sathish
Standing Counsel for TNSTC



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ORDER

The writ petition has been filed to direct the respondents to pay interest @ 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and commutation of pension amount to the petitioner.

2. The case of the petitioner is that he joined in the service of the 1st respondent's corporation as Conductor on 01.08.1986. He had rendered 30 years of unblemished records of service. At the time of retirement, he was holding the post of Checking Inspector. The petitioner attained superannuation on 31.07.2018. It is his contention that after his retirement, the respondent did not settle the terminal benefits such as Provident Fund, Gratuity, Leave Salary and commutation of pension in time. He retired on 31.07.2018 but the terminal benefits were settled only on 21.09.2019. It is his contention that the respondent has to settle gratuity on the date of his retirement but the respondent had paid gratuity belatedly after 14 months. Hence, he is entitled to get interest for the belated payment of Gratuity, Provident Fund, Leave Salary and commutation amount.



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3. The learned counsel for the petitioner would submit that this Court by order dated 28.03.2018 in W.A.No.665 of 2018 ordered to pay interest for the belated payment. He would also submit that due to non disbursement of his terminal benefits, the petitioner made a representation on 20.12.2022 and 20.02.2023 to the respondent Corporation and requested to pay the terminal benefits. However, since no action was taken on the part of the respondent Corporation till date, the petitioner is constrained to file this present Writ Petition before this Court. He would further submit that the petitioner is entitled to get interest for the belated payment of Gratuity, Provident Fund, Leave Salary and commutation amount. Hence, he seeks direction to the respondents corporation.

4. The learned Standing Counsel appearing for the respondent Corporation submitted that the representation given by the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents corporation.



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6. In view of the above facts and circumstances of the case, this Court directs the 1st respondent to consider the petitioners representation on or before 30.06.2023 and the 1st respondent is directed to pay interest @ 4% per annum to the petitioner. In case of delay in making the payment, the interest payable for the period of delay shall be at 6% per annum.

7. With the above directions, this writ petition is disposed of. No order as to costs.

31.03.2023

Index: Yes/ No
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V.BHAVANI SUBBAROYAN, J.

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