



WEB COPY



W.P.No.11510 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.11510 of 2020

T.Adikesavan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Transport Department,
Fort St. George, Chennai – 600 009.

2.The Managing Director,
The Metropolitan Transport Corporation (Chennai) Limited,
"Pallavan House", P.B.No.390,
Anna Salai, Chennai – 600 002.

3.The General Manager,
The Metropolitan Transport Corporation (Chennai) Limited,
"Pallavan House", P.B.No.390,
Anna Salai, Chennai – 600 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent herein to settle the entire retirement benefits due and payable to the petitioner along with interest thereon at the rate of 24% per annum within any reasonable time as this Court may deem fit and proper to the facts and circumstances of this case and thus render justice.



WEB COPY



W.P.No.11510 of 2020

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.V.Ramesh,
Government Advocate

ORDER

This Writ Petition has been filed seeking to issue a writ of mandamus directing the first respondent to settle the entire retirement benefits due and payable to the petitioner along with interest thereon at the rate of 24% per annum, within any reasonable time.

2. A counter affidavit has been filed on behalf of the respondents.

3. Learned counsel for the petitioner submits that the petitioner was working as Conductor in the respondent Corporation and he retired from service on 29.02.2020. Since the retirement benefits for which the petitioner is entitled, are not paid to the petitioner, the present writ petition is filed seeking payment of 24% interest.

4. Learned counsel for the respondents would submit that during the pendency of this writ petition, it is referred to the Lok Adalat. On 20.10.2021, during the Lok Adalat proceedings, the respondents handed over the cheques to the petitioner for an amount of Rs.7,70,042/- towards retirement benefits, as Gratuity



W.P.No.11510 of 2020

amount and Provident Fund amount. No settlement arrived between the parties with regard to the interest aspect. Due to that reason, this writ petition again posted before the Court.

5. Having heard the learned counsel for the petitioner and learned counsel for the respondents and on perusal of the material available on record, in my considered view, as the retirement benefits of the petitioner, such as, Special Provident Fund, General Provident Fund and Leave Encashment etc., are the properties of the petitioners, if there is any unreasonable delay in making payment, the petitioner is entitled to claim interest.

6. Learned counsel for the petitioner placed a reliance of the order in the case of ***Raykumar D. Vs. Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Tirunelveli and Others*** in ***W.P.No.12836 of 2021*** of this Court, to Substantiate his contention.

7. On the other hand, the learned counsel appearing for the respondents placed a copy of the order dated 28.10.2022 in W.P.No.28527 of 2022.



W.P.No.11510 of 2020

WEB COPY

8. This Court carefully have gone through the reliance placed by the respective counsels.

9. In the case of **Raykumar.D** stated supra, the learned Single Judge of this Court after considering the judgment of the Hon'ble Apex Court and the orders passed by this Court in several cases held that the petitioner shall be entitled at the rate of 6% per annum for his retirement benefits i.e., Gratuity, Leave Salary, Commutation of Pension and Provident Fund, from the date of retirement till the date of which his terminal benefits were paid.

10. In W.P.No.28527 of 2022, it is held that in case of delayed payment of retirement benefits, the employees entitled for 4% interest.

11. On perusal of the above two orders of this Court, I am inclined to follow the order in the case of **Raykumar.D** as it is a reasoned order.

12. For the above said reasons, the present Writ Petition is disposed of, with the following direction:

(i) The respondents shall pay 6% of interest per annum for the delayed payment of the retirement benefits of the petitioner from the



W.P.No.11510 of 2020

date of retirement till the date on which terminal benefits were paid to the petitioner.

WEB COPY

(ii) The above mentioned interest shall be paid within a period of four weeks from the date of receipt of copy of this order.

13. There shall be no order as to costs.

19.06.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St. George, Chennai – 600 009.

2.The Managing Director,
The Metropolitan Transport Corporation (Chennai) Limited,
"Pallavan House", P.B.No.390,
Anna Salai, Chennai – 600 002.

3.The General Manager,
The Metropolitan Transport Corporation (Chennai) Limited,
"Pallavan House", P.B.No.390,
Anna Salai, Chennai – 600 002.



WEB COPY



W.P.No.11510 of 2020

BATTU DEVANAND, J.

AT

W.P.No.11510 of 2020

19.06.2023