



W.P.No.17716 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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R.Shanmugam

...Petitioner

Vs

Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. by the Managing Director,
Mettupalayam Road,
Coimbatore-43.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest for the belated payment of his terminal benefits, namely, the P.F. Gratuity and earned leave salary and to pay the petitioner wages towards 60 days of earned leave surrendered by the petitioner while he was in service and to pay a sum of Rs.41,046 towards difference in gratuity, together with interest at the rate of 12% for the above benefits within a specified time frame.

For Petitioner : Mr.R.Krishnaswamy

For R1 & R2 : Mr.A.Sundaravadhanam
Standing Counsel



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ORDER

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

2. The petitioner herein, who was serving as Special Grade Checking Inspector under the respondent Corporation, had retired from service on 31.07.2019 on reaching the age of superannuation. However, his retirement benefits came to be settled only on 27.01.2021. The petitioner had given a representation on 13.01.2023, seeking for interest on the belated payment of the retirement benefits, which is yet to be considered. The petitioner has also given representation dated 13.01.2023, seeking to pay a sum of Rs.41,046/- towards difference in gratuity and wages towards 60 days of earned leave surrendered by him.

3. 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



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of the terminal benefits.

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4. In the light of the above observations, there shall be a direction to the respondent herein to pay interest at the rate of 4% per annum on the belated payment of the terminal benefits to the petitioner, from the date of his retirement till the date of actual disbursement, i.e. between 31.07.2019 and 27.01.2021, within a period of four weeks from the date of receipt of a copy of this order.

5. Insofar as the petitioner's claim for payment of a sum of Rs.41,046/-towards difference in gratuity and wages towards 60 days of earned leave surrendered by him is concerned, this Court is of the view that if the respondent is directed to consider the representation of the petitioner within a time frame, end of justice could be secured. Accordingly, there shall be a direction to the respondent to consider the representation of the petitioner dated 13.01.2023, seeking to pay a sum of Rs.41,046/- towards difference in gratuity and wages towards 60 days of earned leave surrendered by him and pass appropriate orders on merits



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M.S.RAMESH,J.

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and in accordance with law within a period four 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

Speaking order/Non-speaking order

sr

To

Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
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