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W.P.No.17788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17788 of 2023

D.Venkatesan

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram-605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Chennai-Bangaluru Highway,
Kancheepuram-631 552.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the pending amount of difference of Gratuity of Rs.92,340/- difference of leave liability of Rs.41,941/- and Retirement Benefit Scheme amount of Rs.18,500/- to the petitioner as communicated in letter No.10667-11087 (360)/PIO/TNSTC (V)/2023 dated 17.05.2023 under Right to Information Act 2005 along with interest at the rate of not less than 12% per annum payable from the date of



W.P.No.17788 of 2023

retirement within the time frame.

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For Petitioner : Mr.N.Ishak
For R1 & R2 : Mr.R.Venkatesa Perumal
Standing Counsel

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 Traffic Manager under the respondent Corporation, had retired from service on 31.01.2020 on reaching the age of superannuation. However, many dues including difference of leave salary and service gratuity are yet to be paid by the respondents. The petitioner had given a representation on 24.05.2023, seeking to pay a sum of Rs.92,340/- towards difference in gratuity, Rs.41,941/- towards difference in leave liability and Rs.18,500/- towards Retirement Benefit Scheme (RBS) along with interest.

3. In view of the admitted fact that the petitioner is eligible for the amount, which has not been paid till date, the petitioner would be entitled for interest on the outstanding amount.



W.P.No.17788 of 2023

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.

5. In the light of the above observations, there shall be a direction to the respondents 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, within a period of 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.

15.06.2023

1/2

Index: Yes/No

Speaking order/Non-speaking order

sr

M.S.RAMESH,J.



W.P.No.17788 of 2023

WEB COPY

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To

1. The Managing Director,
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W.P.No.17788 of 2023

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