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W.P.No.18177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18177 of 2023

S.Gurusamy

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Trust, 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 belated payment of interest amounts of Provident Fund, Gratuity, Earned Leave Salary and Social Welfare Fund Amounts and other benefits, Earned Leave Surrender for the year 2009-2012, 13(3) wage settlement arrears, monthly pension arrears, VRS compensation, 7 days



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salary, ERBS Pension Amount and IRT Share amounts with effect from 18.12.2021.

For Petitioner : Mr.N.Desinghu
For R1 : Mr.K.Raja,
Standing Counsel
For R2 : Mr.C.S.K.Sathish,
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 a Senior Grade Tradesman under the respondent Corporation, had voluntarily retired from service on 17.11.2021. However, his retirement benefits, except earned leave salary for the year 2009-2012, wage settlement arrears, monthly pension arrears, VRS compensation, 7 days salary, ERBS pension amount and IRT share amounts, came to be settled only on 13.03.2023. The petitioner had given a representation on 09.05.2023, seeking for interest on the belated payment of the retirement benefits and for settlement of the unpaid benefits, which are yet to be considered.



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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 of the terminal benefits.

4. 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 to the petitioner, from the date of his retirement till the date of actual disbursement, i.e. between 17.11.2021 and 13.03.2023. There shall be a further direction to the first respondent to disburse the petitioner's unsettled retirement benefits, together with interest at the rate of 4% per annum, from the date of retirement till the date of disbursement. Such orders shall be passed by the first respondent, within a period of four weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

hvk

To

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