



WEB COPY



W.P.No.19328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19328 of 2023

R.Palaniyandi

...Petitioner

Vs

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

2.Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Rep. by its General Manager,
Salem Regional Office,
No.12, Ramakrishna Road,
Salem - 636 007.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension 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 respondent to pay the petitioner interest at the rate of 12% per annum for the belated payment



W.P.No.19328 of 2023

of retirement benefits for the period of 31.05.2018 to 31.08.2019 i.e. 15 months, on Provident Fund, Earned Leave and Commuted Pension; directing the respondent to pay me interest at the rate of 10% per annum for the belated payment of gratuity for the period of 31.05.2018 to 07.02.2020 i.e. 20 months, as per Section 7(3A) of the Gratuity Act.

For Petitioner : Mr.Nithyavendhan Karunanidhi

For R1 & R2 : Mr.K.Raja,
Standing Counsel

For R3 : 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 Conductor under the respondent Corporation, had retired from service on 31.05.2018 on reaching the age of superannuation. However, his retirement benefits, i.e. Provident Fund, Earned Leave Salary and Commuted Pension came to be settled only on 31.08.2019 and the Gratuity amount was settled only on 07.02.2020. The petitioner had given separate representations to the first



W.P.No.19328 of 2023

respondent on 25.07.2022, seeking for interest on the belated payment of the retirement benefits, which are yet to be considered.

3. This Court, in various decisions, have already taken a view that in cases of belated payment of the terminal benefits, the 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% 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, within a period of four weeks from the date of receipt of a copy of this order.

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

No costs.

30.06.2023

Index: Yes/No
hvk



WEB COPY



W.P.No.19328 of 2023

M.S.RAMESH,J.

hvk

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Regional Office,
No.12, Ramakrishna Road,
Salem - 636 007.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

W.P.No.19328 of 2023

30.06.2023