



W.P.No.21778 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.21778 of 2023

S.Nagarajan

... Petitioner

Vs

1. The State of Tamil Nadu rep. by
its Principal Secretary,
Transport Department,
Fort St. George, Chennai – 9.

2. The Managing Director,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
Villupuram.

3. Tamil Nadu State Transport Corporations Employees'
Pension Fund Trust, Rep. by its Administrator
Thiruvalluvar House, Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the interest at the rate of 6% per annum for the belated payment of leave salary, Provident Fund, gratuity and commutation as sought for in his



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representation dated 28.06.2023 within a time to be stipulated by this Court.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader – R1

Mr.S.Sivasubramani – R2

Mr.C.S.K.Sathish – R3

ORDER

This Writ Petition has been filed to direct the respondents to pay the interest at the rate of 6% per annum for the belated payment of leave salary, Provident Fund, gratuity and commutation as sought for in his representation dated 28.06.2023 within a time to be stipulated by this Court.

2. It is the case of the Writ Petitioner that he joined in Transport Corporation as a Junior Tradesman and he retired from service on 31.10.2022 after attaining superannuation. It is the contention of the



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learned counsel for the petitioner that the terminal benefits were belatedly settled to the petitioner belatedly. Therefore, the petitioner is eligible for interest on the belated payment of leave salary, Provident Fund, gratuity and commutation. In this regard, the petitioner has given a representation dated 28.06.2023 to the respondents. But the same has not been considered by them. Hence, seeks interest at the rate of 6% p.a. for belated payment of retirement benefits of the petitioner.

3. Heard Ms.N.R.Jasmine Padma learned counsel for the petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader for the first respondent, Mr.S.Sivasubramani, learned counsel for the second respondent and Mr.C.S.K.Sathish, learned counsel appearing for the third respondent.

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. Hence, this Court is of the view that the petitioner is entitled for interest



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at the rate of 4% per annum on the belated payment of the terminal benefits.

5. Accordingly, the respondents are directed 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 eight weeks from the date of receipt of a copy of this Order.

6. With the above direction, this Writ Petition is disposed of. No costs.

24.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc



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To,

1. The Principal Secretary,
Transport Department,
Fort St. George, Chennai – 9.
2. The Managing Director,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
Villupuram.
3. Tamil Nadu State Transport Corporations Employees'
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai – 600 002.



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N.SATHISH KUMAR, J.

VTC

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