



WEB COPY



W.P.No.21264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.21264 of 2023

A.Dharmalingam

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation [Salem] Ltd.,
No.12, Ramakrishna Road, Salem – 636 007.

... Respondent

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to disburse the belated payment of interest amount of Provident Fund, Gratuity, Earned Leave Salary and other benefits Arrears Earned Leave Surrender in the years 2009-2011 and 2017-2018, VRS Compensation, 12[3] Wage settlement arrears, 7 days salary, ERBS Pension Amount and IRT share amount with effect from 28.03.2022 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For respondent : Mr.K.Raja



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ORDER

This Writ Petition has been filed to direct the respondent to disburse the belated payment of interest amount of Provident Fund, Gratuity, Earned Leave Salary and other benefits Arrears Earned Leave Surrender in the years 2009-2011 and 2017-2018, VRS Compensation, 12[3] Wage settlement arrears, 7 days salary, ERBS Pension Amount and IRT share amount with effect from 28.03.2022 within the stipulated time as may be fixed by this Court.

2. The contention of the petitioner is that the petitioner retired from service on 13.03.2022 and his retirement benefits were belatedly settled only on 13.03.2023. Therefore, the petitioner is eligible for interest on the belated payment of Provident Fund, Gratuity, Earned Leave Salary, Commutation and other benefits. Hence, seeks interest at the rate of 12% p.a. for belated payment of his retirement benefits.

3. Heard Mr.N.Desinghu learned counsel for the petitioner, Mr.K.Raja, learned counsel appearing for the respondent.



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

5. Accordingly, the respondent is directed to pay interest at the rate of 4% per annum on the belated payment of the retirement 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.

19.07.2023

Index:Yes/No
Neutral Citation : Yes/No
vrc



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To,

The Managing Director,
Tamil Nadu State Transport Corporation [Salem] Ltd.,
No.12, Ramakrishna Road, Salem – 636 007.



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N.SATHISH KUMAR, J.

VTC

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