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W.P.Nos.21816, 21819 & 21820 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.21816, 21819 and 21820 of 2023

T.Sidheswaran	... Petitioner in W.P.No.21816 of 2023
C.Veluchamy	... Petitioner in W.P.No.21819 of 2023
M.John Batcha	... Petitioner in W.P.No.21820 of 2023

Vs.

1.The Management of Tamil Nadu State Transport Corporation (Kovai) Ltd., Erode Region, Represented by its Managing Director, Erode.	
2.The Administrator, Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai – 600 002.	... Respondents

Prayer in W.P.Nos.21816 & 21819 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pay the petitioner, the interest at the rate of 18% per annum for the period of delay from 01.07.2022 to



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30.05.2023 in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts toward those benefits.

Prayer in W.P.No.21820 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pay the petitioner, the interest at the rate of 18% per annum for the period of delay from 01.02.2018 to 02.11.2018 in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts toward those benefits.

For Petitioner : Mr.V.Ajoy Khose
in all writ petitions

For R1 : Mr.M.Murali Vinodh
in all writ petitions

For R2 : Mr.C.S.K.Sathish
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondents to pay the petitioners, interest at the rate of 18% per annum, for the delayed



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period, in paying the amounts paid towards terminal benefits, namely, EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court, without affecting the petitioners' right to claim balance amounts towards those benefits.

2.It is the case of the petitioners that they retired from the respondent Corporation, however, their retirement benefits, viz., EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, were settled belatedly on the following dates :

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date of settlement</i>
W.P.No.21816 of 2023	30.06.2022	30.05.2023
W.P.No.21819 of 2023	30.06.2022	30.05.2023
W.P.No.21820 of 2023	31.07.2017	02.11.2018

Therefore, it is the contention of the petitioners that the petitioners are eligible for interest on the belated payment of their retirement benefits, viz., EPF Employee's Contribution, Gratuity and Encashment of Leaves and already surrendered Earned Leaves, as applicable in each case. Hence, the petitioners seek interest at the rate of 18% per annum for the belated payment of their retirement benefits.



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3.Heard the learned counsel for the petitioners, Mr.M.Murali

Vinodh, learned counsel, who takes notice for the 1st respondent and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 2nd respondent.

4.This Court, in various decisions, have already taken a view that, in all cases of belated payment of terminal benefits, the concerned employee would be entitled to interest at the rate of 4% per annum. Hence, this Court is of the view that the petitioners are entitled to interest 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 retirement benefits to the petitioners, from the date of their retirement till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above direction, these writ petitions are disposed of.

No costs.

25.07.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Erode.

2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 600 002.



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