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W.P.No.21814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21814 of 2023

N.Thiyagarajan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
3/136, Salamedu,
Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (VPM) Limited,
Tiruvannamalai Region,
Vengikal,
Tiruvannamalai – 606 604.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to pay the petitioner, interest at the rate of 12% per annum for the belated payment of retirement benefits for the period from 30.06.2022 to 30.05.2023 i.e., 11 months on Provident Fund, Earned Leave and Commuted Pension, within a specified time.



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For Petitioner : M/s.S.Vasanthi
For R1 and R2 : Mr.R.Venkatesa Perumal
For R3 : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed to direct the 1st and 2nd respondents to pay the petitioner, interest at the rate of 12% per annum for the belated payment of retirement benefits for the period from 30.06.2022 to 30.05.2023 i.e., 11 months on Provident Fund, Earned Leave and Commuted Pension, within a specified time.

2.It is the case of the petitioner that he retired from the respondent Corporation on 30.06.2022 and his retirement benefits were belatedly settled only on 30.05.2023. Therefore, it is the contention of the petitioner that the petitioner is eligible for interest on the belated payment of his retirement benefits, viz., Provident Fund, Earned Leave and Commuted Pension. Hence, the petitioner seeks interest at the rate of 12% per annum for the belated payment of his retirement benefits.



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3.Heard the learned counsel for the petitioner, Mr.R.Venkatesa Perumal, learned counsel, who takes notice for the respondents 1 and 2 and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 3rd 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 petitioner is entitled to interest at the rate of 4% per annum on the belated payment of the terminal benefits.

5.Accordingly, the respondents 1 and 2 are 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.



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6. With the above direction, this writ petition is 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

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(Villupuram) Limited,
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Villupuram – 605 602.
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Tiruvannamalai Region,
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N. SATHISH KUMAR, J.
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