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W.P.Nos.21923, 21926, 21929 & 21931 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.21923, 21926, 21929 & 21931 of 2023

G.Senguttuvan	... Petitioner in W.P.No.21923 of 2023
V.Swarnakumar	... Petitioner in W.P.No.21926 of 2023
N.Kamalakaran	... Petitioner in W.P.No.21929 of 2023
D.Narayanamoorthy	... Petitioner in W.P.No.21931 of 2023

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram – 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Division,
Karaipettai, Kanchipuram – 631 552.



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

... Respondents
in all writ petitions

Prayer in W.P.No.21923 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 interest amount for the delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount to the petitioner with 6% interest per annum till the date of payment and 11 days last salary from 21.01.2020 to 31.01.2020 as per the petitioner's representation dated 10.07.2023.

Prayer in W.P.No.21926 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 interest amount for the delayed payment of Gratuity amount, Provident Fund and Encashment of Leave amount along with difference in Provident Fund amount of Rs.71,590/- (Rupees Seventy One thousand Five hundred and Ninety only) to the petitioner with 6% interest per annum till the date of payment as per the petitioner's representation dated 08.04.2023.

Prayer in W.P.No.21929 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 interest amount for the delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount



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to the petitioner with 6% interest per annum till the date of payment as per the petitioner's representation dated 31.05.2023.

Prayer in W.P.No.21931 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 interest amount for the delayed payment of Gratuity amount, Provident Fund and Encashment of Leave amount along with difference in Provident Fund amount of Rs.1,04,950/- (Rupees One Lakh Four thousand Nine hundred and Fifty only) to the petitioner with 6% interest per annum till the date of payment as per the petitioner's representation dated 08.04.2023.

For Petitioner : Mr.R.Anbalagan
in all writ petitions

For R1 and R2 : Mr.R.Venkatesa Perumal
in all writ petitions

For R3 : Mr.C.S.K.Sathish
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondents to pay interest at the rate of 6% per annum on the belated payment of terminal benefits made to the petitioners and also to disburse other benefits which have not been settled so far, within a specified time.



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2.It is the case of the petitioners that they retired from the respondent Corporation, however, their retirement benefits, viz., Gratuity, Provident Fund, Commutation, Encashment of Leave Salary, as applicable in each case, were settled belatedly on the following dates :

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Month of settlement</i>
W.P.No.21923 of 2023	31.01.2020	01.12.2022
W.P.No.21926 of 2023	13.11.2020	01.12.2022
W.P.No.21929 of 2023	06.04.2021	27.03.2023
W.P.No.21931 of 2023	09.11.2020	01.12.2022

Therefore, it is the contention of the petitioners that the petitioners are eligible for interest at the rate of 6% per annum on the belated payment of their retirement benefits, viz., Gratuity, Provident Fund, Commutation, Encashment of Leave Salary, as applicable in each case. Hence, the petitioners seek interest for the belated payment of their retirement benefits. The petitioners also pray for disbursement of other benefits like 11 days last salary, difference in Provident Fund amount, as applicable in each case. It is stated that the petitioners have also submitted representations to the respondents in this regard.

3.Heard the learned counsel for the petitioners, Mr.R.Venkatesa



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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 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 disburse all the terminal benefits, to which the petitioners are entitled, and also to pay interest at the rate of 4% per annum on the belated payment of all 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.

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



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No costs.

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram – 605 602.
- 2.The General Manager,
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(Villupuram) Limited,
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- 3.The Administrator,
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N. SATHISH KUMAR, J.

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