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W.P.Nos.22361, 22363, 22365, 22366 & 22367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos. 22361, 22363, 22365, 22366 & 22367 of 2023

R.Gunasekaran	... Petitioner in W.P.No.22361 of 2023
S.Prabhakaran	... Petitioner in W.P.No.22363 of 2023
K.Periyasamy	... Petitioner in W.P.No.22365 of 2023
P.Sundaram	... Petitioner in W.P.No.22366 of 2023
S.Ganesan	... Petitioner in W.P.No.22367 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 in all writ petitions



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Prayer in W.P.No.22361 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, interest at the rate of 18% per annum for the period of delay from 01.06.2022 to 30.05.2023 in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, 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.22363 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, interest at the rate of 18% per annum for the period of delay from 01.08.2022 to 30.05.2023 in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick/Surrendered 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.22365 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, interest at the rate of 18% per annum for the period of delay from 01.06.2018 to 21.09.2019 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



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Court and without affecting his right to claim balance amounts toward those benefits.

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Prayer in W.P.No.22366 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, interest at the rate of 18% per annum for the period of delay from 01.11.2020 to 02.12.2022 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.22367 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, interest at the rate of 18% per annum for the period of delay from 01.07.2022 to 30.05.2023 in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick/Surrendered 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 Vinoth
in all writ petitions



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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 belated payment of their terminal and pension benefits, viz., EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick/Surrendered Leaves and Commuted Value of Pension, as applicable in each case, within a time frame as may be fixed by this Court and without affecting their rights to claim balance amounts toward 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/Surrendered Leaves and Commuted Value of Pension, as applicable in each case, were settled belatedly on the following dates :

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date of settlement</i>
W.P.No.22361 of 2023	31.05.2022	31.05.2023
W.P.No.22363 of 2023	31.07.2022	31.05.2023
W.P.No.22365 of 2023	31.05.2018	21.09.2019
W.P.No.22366 of 2023	31.10.2020	02.12.2022
W.P.No.22367 of 2023	30.06.2022	31.05.2023



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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, Encashment of Earned/Sick/Surrendered Leaves and Commutated Value of Pension. Hence, the petitioners seek interest at the rate of 18% per annum for the belated payment of their retirement benefits.

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



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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.

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

No costs.

31.07.2023

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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.

N. SATHISH KUMAR, J.

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