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W.P.No.22812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22812 of 2023 and
W.M.P.No.22275 of 2023

1.C.Gunasekaran
2.K.Sugumaran
3.A.Vedagiri
4.K.Gopi
5.R.Subramaniyan
6.K.Mohanji
7.R.Kumar

... Petitioners

Versus

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
No.2, Anna Salai,
Chennai-600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
No.2, Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue appropriate writ orders or directions and in particular issue a Writ of Mandamus directing the respondents to pay interest @ 10% for the belated payment of terminal benefits such as Gratuity, Leave Salary, P.F and commutation of Pension amount to the petitioners.



W.P.No.22812 of 2023

For Petitioner : Mr.S.T.Varadarajalu
For R1 : Mr.R.Balaji, Standing Counsel
For R3 : Mr.C.S.K.Sathish, Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to pay interest at 10% for the belated payment of terminal benefits such as Gratuity, Leave Salary, P.F and Commutation of Pension amount to the petitioners.

2.The details of the service particulars of the petitioners are as follows:-

<i>S. No.</i>	<i>Name</i>	<i>Designation</i>	<i>Date of Retirement</i>	<i>Date of Terminal Benefits settled</i>
1	C.Gunasekaran	Checking Inspector /Time Keeper	31.07.2022	23.05.2023
2	2.K.Sugumaran	Non-ITI, Helper	31.12.2020	28.11.2022
3	A.Vedagiri	Checking Inspector/ Time Keeper	30.06.2022	23.05.2023
4	K.Gopi	Checking Inspector/ Time Keeper	30.06.2022	23.05.2023
5	R.Subramaniyan	Spl Gr.Driver	30.06.2022	23.05.2023
6	K.Mohanji	Spl Gr.Driver	31.05.2022	23.05.2023
7	R.Kumar	Sr.Trades Man	31.07.2022	23.05.2023



W.P.No.22812 of 2023

3.The contention of the petitioners is that the petitioners retired from service in the above said dates and the retirement benefits were belatedly settled to the 2nd petitioner on 28.11.2022 and to the other petitioners on 23.05.2023. Therefore, the petitioners are eligible for interest on the belated payment of Gratuity, Leave Salary, Provident Fund and Commutation of Pension. Hence, seeks interest at the rate of 10% p.a. for belated payment of their retirement benefits.

4.Heard Mr.S.T.Varadarajalu, learned counsel for the petitioners, Mr.R.Balaji, learned Standing Counsel appearing for the first respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing for the second respondent.

5.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 petitioners are entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits.



W.P.No.22812 of 2023

6. Accordingly, the first respondent is 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 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.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

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WEB COPY



W.P.No.22812 of 2023

N.SATHISH KUMAR, J.
vv2

W.P.No.22812 of 2023

03.08.2023