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W.P.No.23484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.23484 of 2023

R.Ashok Kumar

... Petitioner

Vs

1. M/s.Metropolitan Transport Corporation Limited,
Chennai Division, Rep. by its Managing Director,
Pallavan House, No.2, Pallavan Salai,
Chennai – 600 002.
2. M/s.Metropolitan Transport Corporation Limited,
Chennai Division, Rep. by its Managing Director,
Pallavan House, No.2, Pallavan Salai,
Chennai – 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to disburse the belated payment of interest amounts of Provident Fund,



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Gratuity, Earned Leave Salary, Commutation and Social Welfare Fund Amounts and other benefits of revised difference of Gratuity, EL Surrender as per 13 wage settlement ERBS pension and last month 10 days salary amount, the payment of interest for belated terminal with effect from 30.06.2022 and the differential arrears as per the settlement dated 04.01.2018 under section 12(3) of the Industrial disputes Act 1947 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.T.S.Lavanesh

For Respondents : Mr.R.Balaji – R1 & R2

Mr.C.S.K.Sathish – R3

ORDER

This Writ Petition has been filed to direct the respondents to disburse the belated payment of interest amounts of Provident Fund, Gratuity, Earned Leave Salary, Commutation and Social Welfare Fund Amounts and other benefits of revised difference of Gratuity, EL Surrender as per 13 wage settlement ERBS pension and last month 10 days salary amount, the payment of interest for belated terminal with effect from 30.06.2022 and the differential arrears as per the settlement



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dated 04.01.2018 under section 12(3) of the Industrial disputes Act 1947 within the stipulated time as may be fixed by this Court.

2. It is the case of the Writ Petitioner that he retired from service on 30.06.2022 on attaining the age of superannuation. It is the contention of the learned counsel that the terminal benefits were belatedly settled to the petitioner only on 23.05.2023. Therefore, the petitioner is eligible for interest on the belated payment of Provident Fund, Gratuity, Earned Leave, Commuted Pension and other benefits. Hence, seeks interest at the rate of 6% p.a. for belated payment of retirement benefits of the petitioner.

3. Heard Mr.T.S.Lavanesh learned counsel for the petitioner and Mr.R.Balaji, learned counsel appearing for the first respondent and second respondents and Mr.C.S.K.Sathish, learned Counsel for the third respondent.

4. This Court, in various decisions, have already taken a view that



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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 petitioner is entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits.

5. Accordingly, the respondent is directed to pay differential arrears as per the settlement dated 04.01.2018 under section 12(3) of the Industrial disputes Act 1947 along with interest at the rate of 4% per annum on the belated payment of the terminal 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.

6. With the above direction, this Writ Petition is disposed of. No costs.

10.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc



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N.SATHISH KUMAR, J.

VTC

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