



W.P.No.23797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23797 of 2023

R.Teekaram

... Petitioner

Versus

1.M/s.Tamil Nadu State Transport Corporation,
Employees Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai – 600002.

2.M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or direction in the nature of Writ directing the respondents to settle a sum of Rs.15,60,350/- to the petitioner herein payable towards difference in Gratuity arrears by 1st respondent herein and difference in Pension arrears from May 2013 to April 2023 by the 2nd respondent herein with 6% interest by considering the representation of the petitioner dated 05.07.2023.

For Petitioner : Mr.D.Soundar Raj

For R1 : Mr.C.S.K.Sathish

For R2 : Mr.S.Sivasubramani



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ORDER

This Writ Petition has been filed to direct the respondents to settle a sum of Rs.15,60,350/- to the petitioner herein payable towards difference in Gratuity arrears by 1st respondent herein and difference in Pension arrears from May 2013 to April 2023 by the 2nd respondent herein with 6% interest by considering the representation of the petitioner, dated 05.07.2023.

2.It is case of the Writ Petitioner that he was appointed as Helper in Pandian Roadway Corporation on 01.03.1981 and he was transferred to erstwhile Thiruvalluvar Transport Corporation as Assistant Tradesman. Subsequently, he was promoted to the post of Tradesman and he resigned his job and joined as Junior Engineer on 18.01.1995 and further promoted to the post of Assistant Engineer and retired from service on 30.04.2013 on attaining the age of superannuation. The grievance of the Writ Petitioner is that after retirement of the service, the petitioner was paid with the retirement benefits only for the period from 1995 to 2013 i.e., 18 years of service was taken into consideration and his services from 01.03.1981 to 17.01.1995 was not taken into account for calculation for terminal benefits. In such circumstances, the petitioner has filed a Writ Petition before this Court in W.P.No.32697 of 2019 wherein this Court, by order, dated



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16.08.2021 gave directions to take up the entire service for settling the terminal benefits. Since the respondents not complied with the order of this Court, dated 16.08.2021, the petitioner has filed a Contempt Petition in C.P.No.226 of 2023. Then the respondents paid the revised pension from May 2013 by taking into account the entire 30 years of service. But the 1st respondent has not settled the difference amount in gratuity and the 2nd respondent has not settled the pension arrears from May 2013 to April 2023. Therefore, the petitioner is eligible for interest on the belated payment of Gratuity and pension arrears. Hence, seeks interest at the rate of 6% p.a. for belated payment of retirement benefits.

3.Heard Mr.D.Soundar Raj, learned counsel for the petitioner and Mr.C.S.K.Sathish, learned counsel for the 1st respondent and Mr.S.Sivasubramani, learned counsel for the 2nd respondent.

4.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 petitioner is entitled for interest at the rate



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of 4% per annum on the belated payment of the terminal benefits.

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5. Accordingly, the respondents 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.

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

14.08.2023

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

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To

1. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai – 600002.

2. The Managing Director,



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State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai – 600002.

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N.SATHISH KUMAR, J.
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