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W.P.Nos.24349 of 2023, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.24349, 24350, 24380, 24394, 24395 & 24396 of 2023

W.P.No.24349 of 2023 :

R.Shanmugam

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Represented by its Managing Director,
Erode.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to pay the petitioner, interest at the rate of 18% per annum, for the period of delay from 01.07.2022 to 30.05.2022, in paying the amounts paid towards his terminal benefits, namely, EPF Employee's Contribution, Gratuity and Encashment of Leaves and already surrendered Earned Leaves, within a time frame as may be fixed by this Court, without affecting his right to claim balance amounts towards those benefits.



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For Petitioner : Mr.V.Ajoy Khose
in all writ petitions

For Respondent : Mr.Murali Vinodh
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondent to pay the petitioners, interest at the rate of 18% per annum, for the delayed period, in paying the amounts paid towards terminal benefits, namely, EPF Employee's Contribution, Gratuity and Encashment of Leaves and already surrendered Earned Leaves, as applicable in each case, within a time frame as may be fixed by this Court, without affecting the petitioners' right to claim balance amounts towards 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 and Encashment of Leaves and already surrendered Earned Leaves, 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.24349 of 2023	30.06.2022	30.05.2023
W.P.No.24350 of 2023	31.07.2022	30.05.2023



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<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date of settlement</i>
W.P.No.24380 of 2023	30.09.2020	01.12.2022
W.P.No.24394 of 2023	30.06.2019	24.01.2021
W.P.No.24395 of 2023	31.10.2022	30.05.2023
W.P.No.24396 of 2023	31.05.2019	24.01.2021

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 and Encashment of Leaves and already surrendered Earned Leaves, as applicable in each case. 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 and Mr.M.Murali Vinodh, learned counsel, who takes notice for the 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.



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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 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.

18.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Erode.

N. SATHISH KUMAR, J.



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