



W.P.No.24819 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.24819 of 2023

T.Swaminathan

... Petitioner

Vs

1. The Management of
Tamil Nadu State Transport Corporation [Kovai] Ltd.,
Erode Region, Rep. by its Managing Director,
Erode.

2. The Administrator
Tamil Nadu State Transport Employees Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the petitioner interest at the rate of 18 percent per annum for the period of delay from 1.06.2019 to 24.01.2021 in paying the amounts towards his terminal and pension benefits namely EPF Employees Contribution,



W.P.No.24819 of 2023

Gratuity Encashment of 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 amount towards those benefits.

For Petitioner : Ms.Nandhini
for Mr.V.Ajoy Khose

For Respondents : Mr.M.Murali Vinodh – R1
Mr.C.S.K.Sathish – R2

ORDER

This Writ Petition has been filed to direct the respondents pay the petitioner interest at the rate of 18 percent per annum for the period of delay from 01.07.2022 to 30.5.2023 in paying the amounts towards his terminal and pension benefits namely EPF Employees Contribution, Gratuity, Encashment of Leaves/ Already Surrendered Earned 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 amount towards those benefits.



W.P.No.24819 of 2023

2. The contention of the petitioner is that the petitioner retired from service on 31.05.2019 on attaining the age of superannuation and his retirement benefits were belatedly credited to the account of the petitioner only on 25.01.2021. Therefore, the petitioner is eligible for interest on the belated payment of Provident Fund, Gratuity, Earned Leave Salary, Commutation and other benefits. Hence, seeks interest for belated payment of his retirement benefits.

3. Heard Ms.Nadhini, learned counsel for the petitioner, Mr.M.Murali Vinodh, learned counsel appearing for the first respondent and Mr.C.S.K.Sathish, learned counsel appearing for the second 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 of 4% per annum on the belated payment of the terminal



W.P.No.24819 of 2023

benefits.

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.

23.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,



W.P.No.24819 of 2023

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Erode Region, Rep. by its Managing Director,
Erode.
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W.P.No.24819 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.24819 of 2023

23.08.2023