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W.P.Nos.25848 of 2023, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 05.09.2023**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**W.P.Nos.25848, 25851, 25857, 25860, 25864 & 25866 of 2023**

**W.P.No.25848 of 2023 :**

T.S.Masilamani

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,  
3/137, Salamedu, Valudhareddy Post,  
Villupuram – 605 602.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,  
Kancheepuram Regional Office,  
Ponnerikarai, Karapettai,  
Chennai Bangaluru Highway,  
Kancheepuram – 631 552.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pay the pending amount of difference of Leave Liability of Rs.44,193/-, difference Gratuity of Rs.79,582/- and Rs.51,537/- of total surrender value of Earned Leave as communicated in Letter No.10667-11419(650)/PIO/TNSTC(V) 2023, dated 07.08.2023, under Right to Information Act, 2005, along with interest at the rate of 4% per annum payable from the date of retirement in



W.P.Nos.25848 of 2023, etc. batch

line with the orders of this Court, dated 15.06.2023, made in W.P.No.17792 of 2023, within the time that may be stipulated by this Court.

For Petitioner : Mr.N.Ishak  
in all writ petitions

For Respondents : Mr.R.Venkatesa Perumal  
in all writ petitions

### **COMMON ORDER**

These writ petitions have been filed to direct the respondents to pay the dues to the petitioners to which they are entitled, along with interest at the rate of 4% per annum payable from the date of retirement, in line with the orders of this Court made in W.P.No.17792 of 2023, dated 15.06.2023.

2.It is the case of the petitioners that they retired from the respondent Corporation on various dates, however, many dues, including difference of Leave Salary, difference of Gratuity, total surrender value of Earned Leave, Retirement Benefit Fund, as applicable in each case, are yet to be paid to the petitioners. To the application made under the Right to Information Act, 2005, seeking the amount due to the petitioners, the respondents, in their reply, have mentioned the various amounts to which



W.P.Nos.25848 of 2023, etc. batch

the petitioners are entitled as follows :

| <i><b>Petitioner in</b></i> | <i><b>Amounts to which entitled</b></i>                                                                                            |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| W.P.No.25848 of 2023        | Difference of Leave Liability – Rs.44,193/-<br>Difference of Gratuity – Rs.79,582/-<br>Total surrendered value of EL – Rs.51,537/- |
| W.P.No.25851 of 2023        | Different of Leave Salary – Rs.34,444/-<br>Difference of Gratuity – Rs.1,28,838/-                                                  |
| W.P.No.25857 of 2023        | Difference of Leave Liability – Rs.22,140/-<br>Difference of Gratuity – Rs.67,943/-<br>Total surrendered value of EL – Rs.23,389/- |
| W.P.No.25860 of 2023        | Difference of Leave Liability – Rs.34,867/-<br>Difference of Gratuity – Rs.79,356/-                                                |
| W.P.No.25864 of 2023        | Difference of Leave Liability – Rs.3,426/-<br>Difference of Gratuity – Rs.46,556/-                                                 |
| W.P.No.25866 of 2023        | Total surrender Leave Salary – Rs.88,256/-<br>Retirement Benefit Fund – Rs.18,500/-                                                |

Therefore, the petitioners seek directions to the respondents to pay the admitted amounts due to the petitioners.

3.Heard Mr.N.Ishak, learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned counsel who takes notice for the respondents.

4.In view of the admitted fact that the petitioners are eligible for the aforesaid amounts, which have not been paid till date, the petitioners would be entitled for interest on the outstanding amount. 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



W.P.Nos.25848 of 2023, etc. batch

entitled for 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 outstanding amounts.

5. Accordingly, the respondents are directed to pay the petitioners the outstanding amounts payable to them, as admitted by the respondents, as stated *supra*, with interest at the rate of 4% per annum 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.

7. The learned counsel for the respondents is entitled to separate fees for each case.

**05.09.2023**

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

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W.P.Nos.25848 of 2023, etc. batch

Speaking order / Nonspeaking order

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**N. SATHISH KUMAR, J.**



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