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W.P.Nos.25829 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.25829, 25831, 25833, 25834,
25838, 25840 & 25843 of 2023**

W.P.No.25829 of 2023 :

K.Thirumurthy

... Petitioner

Vs.

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

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

... 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 petitioner, interest at the rate of 18% per annum, for the period of delay from 01.07.2022 to 30.05.2023, in paying the amounts paid towards his terminal and pension benefits, namely, EPF Employee's Contribution, Gratuity and Commutated Value of Pension, within a time frame as may



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be fixed by this Court, without affecting his right to claim balance amounts towards those benefits.

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

For R1 : Mr.M.Murali Vinodh
in all writ petitions

For R2 : Mr.C.S.K.Sathish
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondents to pay the petitioner, interest at the rate of 18% per annum, for the period of delay in paying the amounts paid towards their terminal and pension benefits, namely, EPF Employee's Contribution, Gratuity, Encashment of Leaves and already surrendered Leaves and Commuted Value of Pension, as applicable in each case, within a time frame as may be fixed by this Court, without affecting their 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, Encashment of Leaves and already



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surrendered Leaves and Commutated Value of Pension, 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.25829 of 2023	30.06.2022	30.05.2023
W.P.No.25831 of 2023	30.06.2022	30.05.2023
W.P.No.25833 of 2023	31.05.2018	21.09.2019
W.P.No.25834 of 2023	31.05.2022	30.05.2023
W.P.No.25838 of 2023	30.06.2022	30.05.2023
W.P.No.25840 of 2023	31.05.2022	30.05.2023
W.P.No.25843 of 2023	31.05.2018	21.09.2019

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, Encashment of Leaves and already surrendered Leaves and Commutated Value of Pension, 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, Mr.M.Murali Vinodh learned counsel, who takes notice for the 1st respondent and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 2nd respondent.



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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.

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.

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

05.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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Tamil Nadu State Transport Corporation (Kovai) Ltd.
Erode Region,
Erode.
- 2.The Administrator,
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N. SATHISH KUMAR, J.
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