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W.P.Nos.25909 & 25911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.25909 & 25911 of 2023

R.Duraisamy

... Petitioner
in W.P.No.25909 of 2023

M.Palaniyappan

... Petitioner
in W.P.No.25911 of 2023

Vs.

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

... Respondent
in both petitions

Prayer in W.P.No.25909 of 2023: 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, the interest at the rate of 18% per annum for the period of delay from 01.06.2022 to 30.05.2023, in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Leaves, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.



W.P.Nos.25909 & 25911 of 2023

Prayer in W.P.No.25911 of 2023: 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, the interest at the rate of 18% per annum for the period of delay from 01.08.2022 to 30.05.2023, in paying the amounts paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Leaves and already surrendered leaves, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

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

For Respondent : Mr.M.Murali Vinodh
in both writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondents 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, Encashment of Leaves and already surrendered 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.



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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 surrendered 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.25909 of 2023	31.05.2022	30.05.2023
W.P.No.25911 of 2023	31.07.2022	30.05.2023

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, 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



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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 respondent is entitled to separate fee in each case.

05.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



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



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N. SATHISH KUMAR, J.
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