



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.26535, 26538, 26539 & 26540 of 2023

K.Srinivasan	... Petitioner in W.P.No.26535 of 2023
G.Prabhuram	... Petitioner in W.P.No.26538 of 2023
G.Sekar	... Petitioner in W.P.No.26539 of 2023
V.Asokan	... Petitioner in W.P.No.26540 of 2023

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kancheepuram Region,
No.3/137, Salamedu, Vazhuthareddy Post,
Villupuram – 605 602.

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

... Respondents
in W.P.Nos.26535, 26538
& 26539 of 2023



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

1.The Managing Director,
State Express Transport Corporation TN Ltd.,
Pallavan Salai,
Chennai – 600 002.

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

... Respondents
in W.P.No.26540 of 2023

Prayer in W.P.No.26535 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 interest @ 4% per annum for the belated payment of terminal benefits, namely, Provident Fund amount, Gratuity amount and Commutation amount to the petitioner, for the period from 30.06.2022 (Date of retirement) till the date of payment by following the order passed in W.P.No.22387 of 2023, dated 31.07.2023, within a time frame.

Prayer in W.P.No.26538 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 interest @ 4% per annum for the belated payment of terminal benefits, namely, Provident Fund amount, Gratuity amount and Leave Salary amount to the petitioner, for the period from 30.06.2022 (Date of retirement) till the date of payment by following the order passed in W.P.No.22387 of 2023, dated 31.07.2023, within a time frame.

Prayer in W.P.No.26539 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

the respondents to pay interest @ 4% per annum for the belated payment of terminal benefits, namely, Provident Fund amount, Gratuity amount, Leave Salary amount and Commutation of Pension amount to the petitioner, for the period from 30.09.2022 (Date of retirement) till the date of payment by following the order passed in W.P.No.22387 of 2023, dated 31.07.2023, within a time frame.

Prayer in W.P.No.26540 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 reckon the calculation for the settlement of retirement benefits on the basis of the 7th Pay Commission vide G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, and clarification letter No.e file/1706/c.1/2023-1, dated 25.05.2023, issued by the Government and to pay the difference in payment of encashment of Leave Salary to the petitioner together with interest of 6% and the interest on the belated payment of additional amount of Commutation of Pension and CRBS amount from the date of retirement (31.03.2016) to the date of settlement within a time limit.

For Petitioner	: Mr.V.S.Jagadeesan in all writ petitions
For R1	: Mr.R.Venkatesa Perumal in W.P.Nos.26535, 26538 & 26539 of 2023
For R1	: Mr.S.Sivasubramani in W.P.No.26540 of 2023
For R2	: Mr.C.S.K.Sathish in all writ petitions



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

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COMMON ORDER

W.P.Nos.26535, 26538 and 26539 of 2023 have been filed by the petitioners to direct the respondents to pay interest @ 4% per annum for the belated payment of terminal benefits, namely, Provident Fund amount, Gratuity amount, Leave Salary amount and Commutation of Pension amount, as applicable in each case, for the period from their date of retirement till the date of payment by following the order passed in W.P.No.22387 of 2023, dated 31.07.2023, within a time frame.

2.W.P.No.26540 of 2023 has been filed to direct the respondents to reckon the calculation for the settlement of retirement benefits on the basis of the 7th Pay Commission vide G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, and clarification letter No.e file/1706/c.1/2023-1, dated 25.05.2023, issued by the Government and to pay the difference in payment of encashment of Leave Salary to the petitioner together with interest of 6% and the interest on the belated payment of additional amount of Commutation of Pension and CRBS amount from the date of retirement (31.03.2016) to the date of settlement within a time limit.



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

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3.It is the case of the petitioners that they retired from the respondent Corporation, however, their retirement benefits, viz., Provident Fund amount, Gratuity amount, Leave Salary amount and Commutation of Pension amount, 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.26535 of 2023	30.06.2022	25.06.2023
W.P.No.26538 of 2023	30.06.2022	25.06.2023
W.P.No.26539 of 2023	30.09.2022	25.06.2023

Therefore, it is the contention of the petitioners that the petitioners are eligible for interest on the belated payment of their retirement benefits, viz., Provident Fund amount, Gratuity amount, Leave Salary amount and Commutation of Pension amount, as applicable in each case. Hence, the petitioners seek interest at the rate of 4% per annum for the belated payment of their retirement benefits.

4.Heard the learned counsel for the petitioners, Mr.R.Venkatesa Perumal, learned counsel, who takes notice for the 1st respondent in W.P.Nos.26535, 26538 and 26539 of 2023, Mr.S.Sivasubramani, learned counsel, who takes notice for the 1st respondent in W.P.No.26540 of 2023, and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 2nd



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

respondent.

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5.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.

6.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 in W.P.Nos.26535, 26538 and 26539 of 2023, 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. Insofar as the petitioner in W.P.No.26540 of 2023 is concerned, the respondents are directed to disburse all the amounts and terminal benefits, to which the petitioner is eligible, with interest at the rate of 4% per annum on the belated payment of all such terminal 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.



W.P.Nos.26535, 26538, 26539 & 26540 of 2023

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7. With the above directions, these writ petitions are disposed of.

No costs.

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

12.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kancheepuram Region,
No.3/137, Salamedu, Vazhuthareddy Post,
Villupuram – 605 602.

2. The Managing Director,
State Express Transport Corporation TN Ltd.,
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3. The Administrator,
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Chennai – 600 002.

N. SATHISH KUMAR, J.



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W.P.Nos.26535, 26538, 26539 & 26540 of 2023

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**W.P.Nos.26535, 26538,
26539 & 26540 of 2023**

12.09.2023