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W.P.No.26964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.26964 of 2023

K.Selvaraju

... Petitioner

Vs

Tamil Nadu State Transport Corporation,
Rep. by its Managing Director,
No.37, Mettupalayam Road, Coimbatore – 641 043. ... Respondent

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to make payment of interest accrued upon belated payment Gratuity and Provident Fund to the petitioner from the date of retirement till the date on which such payment was made for which the petitioner is rightfully entitled.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.A.Vinoth Raj
Standing Counsel



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ORDER

This Writ Petition has been filed to direct the the respondent to make payment of interest accrued upon belated payment Gratuity and Provident Fund to the petitioner from the date of retirement till the date on which such payment was made for which the petitioner is rightfully entitled.

2. It is the case of the Writ Petitioner that he voluntarily retired from service on 31.12.2016 on attaining the age of superannuation. It is the contention of the learned counsel that the terminal benefits were belatedly settled and therefore, the petitioner is eligible for interest on the belated payment of Gratuity and Provident Fund. In this regard, the petitioner along with other similarly situated employees have already filed a Writ Petition W.P.No.6160 of 2017, for settlement of his terminal benefits along with interest and this Court by an Order dated 15.03.2017, in the light of the earlier Orders passed by this Court directed the respondent to pay the terminal benefits payable to the petitioner in 12 equal monthly instalments with interest to the petitioner. Despite the



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Order of this Court, the interest on belated payment of terminal benefits have not been paid to the petitioner. Hence, seeks a direction to the respondent to disburse interest for belated payment of retirement benefits of the petitioner.

3. Heard Mr.C.Vigneswaran, learned counsel for the petitioner and Mr.A.Vinothraj, learned Standing Counsel appearing for the 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 benefits.

5. Accordingly, the respondent is directed to calculate the interest for belated payment of terminal benefits to the petitioner and if the same has not been paid, the respondent shall pay interest at the rate of 4% p.a.



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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.

14.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

Tamil Nadu State Transport Corporation,
Rep. by its Managing Director,
No.37, Mettupalayam Road, Coimbatore – 641 043.



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N.SATHISH KUMAR, J.

VTC

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