



WEB COPY



W.P.Nos.28440 of 2023, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**W.P.Nos.28440, 28442, 28445, 28446, 28449,
28451 & 28453 of 2023**

W.P.No.28440 of 2023 :

J.Rajendran

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem – 636 007.

2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan 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 disburse the interest for belated payment of amount of Provident Fund, Gratuity, Pension Commutation, Earned Leave Salary amount, labour welfare



W.P.Nos.28440 of 2023, etc. batch

amount and consequently direct the respondents to settle Leave Encashment, ERBS Pension and last 10 days salary along with 9% interest within stipulated time.

For Petitioner : Mr.J.Pradeep
in all writ petitions

For Respondent Nos.1 & 2 : Mr.K.Raja
in all writ petitions

For Respondent No.3 : Mr.C.S.K.Sathish
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondents to disburse the interest for belated payment of amount of Provident Fund, Gratuity, Pension Commutation, Earned Leave Salary amount, labour welfare amount and consequently to direct the respondents to settle Leave Encashment, ERBS Pension and last 10 days salary along with 9% interest within stipulated time.

2.It is the case of the petitioners that they retired from the respondent Corporation, however, their retirement benefits, viz., Provident Fund, Gratuity, Pension Commutation, Earned Leave Salary amount, labour welfare amount were settled belatedly on the following dates :



W.P.Nos.28440 of 2023, etc. batch

<i>Petitioner in</i>	<i>Date of Retirement</i>	<i>Date/Month of settlement</i>
W.P.No.28440 of 2023	30.06.2018	22.09.2019
W.P.No.28442 of 2023	30.06.2017	04.12.2017
W.P.No.28445 of 2023	30.04.2019	03.02.2021
W.P.No.28446 of 2023	31.05.2019	22.02.2021
W.P.No.28449 of 2023	31.05.2019	02.02.2021
W.P.No.28451 of 2023	30.04.2019	22.01.2021
W.P.No.28453 of 2023	31.05.2019	30.01.2021

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, Gratuity, Pension Commutation, Earned Leave Salary amount, labour welfare amount. Hence, the petitioners seek interest at the rate of 9% p.a. for the belated payment of their retirement benefits. The petitioners also pray for disbursement of other benefits like Leave Encashment, ERBS Pension and last 10 days salary.

3.Heard the learned counsel for the petitioners, Mr.K.Raja, learned counsel, who takes notice for the respondents 1 and 2 and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 3rd respondent.



W.P.Nos.28440 of 2023, etc. batch

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 disburse all the terminal benefits, to which the petitioners are entitled, and also to pay interest at the rate of 4% per annum on the belated payment of all 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.

29.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

To
<https://www.mhc.tn.gov.in/judis>



W.P.Nos.28440 of 2023, etc. batch

WEB COPY

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem – 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.



WEB COPY



W.P.Nos.28440 of 2023, etc. batch

mkn

**W.P.Nos.28440, 28442, 28445,
28446, 28449, 28451 & 28453 of 2023**

29.09.2023