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W.P.No.28864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28864 of 2023

M.Ramadoss

...Petitioner

Vs.

1.The Managing Director,
The Metropolitan Transport
Corporation (Chennai) Limited,
"Pallavan House",
P.B.No.390, Anna Salai,
Chennai - 600 002.

2.The Senior Deputy Manager
(Human Resources Development),
The Metropolitan Transport
Corporation (Chennai) Limited,
"Pallavan House",
P.B.No.390, Anna Salai,
Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent dated 08.08.2023 bearing Ka.No.28550/SaPi(NeeNa)5/MaPoKa/2023 and to quash the same as illegal and consequently to direct the 1st respondent to pay an interest at the rate of 24% per annum on the entire retirement



W.P.No.28864 of 2023

benefits of the petitioner from the date of his superannuation i.e.,
31.08.2022 till the date of payment.

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.R.Balaji,
Standing Counsel

ORDER

This Court has already disposed of this writ petition on 06.10.2023 and this Court has not signed the order on that day, as some clarifications were required. Accordingly, the matter is listed today under the caption "for being spoken to" and clarified.

2. The petitioner herein had retired from service on 31.08.2022 on reaching the age of superannuation. However, his terminal benefits were not settled at the time of his retirement. The petitioner had sent a representation to the first respondent on 07.09.2022 seeking for disbursement of his terminal benefits together with interest. Thereafter, on 27.05.2023, the petitioner was paid a sum of Rs.3,44,053/- towards gratuity and leave encashment. However, for payment of provident fund, the second respondent, through the impugned order dated 08.08.2023,



W.P.No.28864 of 2023

WEB COPY

has called upon the petitioner to submit the CPS form. In the meanwhile, a sum of Rs.9,68,074/- was paid to the petitioner towards provident fund on 15.09.2023. The respondents have not paid the interest for the said belated payments. Thus, the petitioner has filed the present writ petition.

3. Though the petitioner has sought for quashing of the impugned order, the learned counsel for the petitioner would submit that he would be satisfied if the interest for the belated payment of the terminal benefits is paid to the petitioner within a stipulated time.

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. In this background, this Court is of the view that the petitioner would be entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits.

5. In the light of the above observations, there shall be a direction to the first respondent herein to pay interest at the rate of 4% per annum



W.P.No.28864 of 2023

WEB COPY

on the belated payment of the terminal benefits from the date of the petitioner's retirement till the date of actual payment, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

16.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

hvk

To

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M.S.RAMESH,J.

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W.P.No.28864 of 2023

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