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W.P.No.28937 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28937 of 2023

B.K. Palanisami

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.09.2022 to 30.05.2023, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leaves/Already Surrendered Earned 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

For Respondent : Mr.M. Murali Vinodh
Standing Counsel



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had retired from service on 31.08.2022 on reaching the age of superannuation. However, his terminal benefits came to be settled belatedly and the respondent has not paid the interest for the belated payment, for which the petitioner has given representation on 16.08.2023, which is yet to be considered.

3. 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.



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

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

No costs.

06.10.2023

Speaking/Non-speaking Order

Index: Yes/No

Internet: Yes.No

Neutral Citation: Yes/No

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To

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



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M.S.RAMESH,J.

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