



W.P.No.30416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30416 of 2023

P.Murugesan

...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 praying to issue a Writ of Mandamus, directing the respondents to disburse the interest for belated payment of amount of Provident Fund,



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Gratuity, commutation amount, Earned Leave Salary, welfare amount, IRT amount and consequently direct the respondents to pay the unsettled benefits of Leave Encashment, ERBS amount and six days salary along with interest.

For Petitioner	: Mr.J.Pradeep
For R1 & R2	: Mr.K.Raja Standing Counsel
For R3	: Mr.C.S.K.Sathish, Standing Counsel

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 30.06.2017 on reaching the age of superannuation. His terminal benefits, i.e. provident fund, gratuity, pension commutation, earned leave salary, welfare amount and IRT amount came to be settled belatedly. However, the ERBS amount, leave encashment and the salary for last six days of his employment are yet to be paid. The petitioner now claims for the unsettled benefits, together with interest for the belated payment. In this regard, the petitioner has given a representation to the respondents on 15.09.2023, which is yet to be considered.



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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 6% per annum. In this background, this Court is of the view that if the respondents are directed to settle the unpaid terminal benefits to the petitioner, together with interest at the rate of 6% per annum on the belated payment of the terminal benefits, the ends of justice could be secured.

4. In the light of the above observations, there shall be a direction to the first respondent herein to pay the unsettled benefits to the petitioner, together with interest at the rate of 6% 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.

20.10.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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