



WEB COPY



W.P.No.30520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30520 of 2023

P.Velusamy

...Petitioner

Vs.

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

...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 01.01.2020 to 24.01.2021, in paying the amounts paid towards his terminal and pension benefits namely EPF Employees' Contribution, Gratuity and Encashment of Leaves within a time frame and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.C.Gauthamaraj
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 31.12.2019 on reaching the age of superannuation. However, his terminal benefits, i.e., EPF, Gratuity and Encashment of Leave, came to be settled belatedly on 24.01.2021 and the respondent has not paid interest for the belated payment. In this regard, the petitioner has given a representation to the respondent on 17.08.2023, 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 6% per annum. In this background, this Court is of the view that if the respondent is directed to pay interest on the belated payment of the terminal benefits of the petitioner, the ends of justice could be secured.



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4. In the light of the above observations, there shall be a direction to the respondent herein to settle the interest amount 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.

30.10.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore.



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M.S.RAMESH,J.

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