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W.P.No.30681 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.30681 of 2023

K.Thiyagarajan

...Petitioner

Vs.

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

2.The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai – 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.06.2018 to 20.09.2019, in paying the amounts paid towards his terminal and pension benefits namely EPF Employees' Contribution, Gratuity, Encashment of Leaves and Commuted Value of Pension, within a time frame and without affecting his right to claim balance amounts towards those benefits.



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For Petitioner : Mr.V.Ajoy Khose

For R1 : Mr.Murali Vinoth
Standing Counsel

For R2 : 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 31.05.2018 on reaching the age of superannuation. However, his terminal benefits, i.e., EPF, Gratuity and Encashment of Leave, came to be settled belatedly on 20.09.2019 and the respondents have not paid interest for the belated payment. In this regard, the petitioner has given a representation to the respondents 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 respondents are



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directed to pay interest on the belated payment of the terminal benefits of the petitioner, 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 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

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M.S.RAMESH,J.

hvk

To

- 1.The Management of
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Erode.
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