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W.P.No.30731 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.30731 of 2023

P.Balasubramanian

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/136, Salamedu,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Kancheepuram Region,
Kancheepuram - 631 552.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Trust,
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 pay the interest to the petitioner at the rate of 6% per annum for the



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belated payment of retirement benefits for the period of 31.07.2022 to 18.06.2023 i.e., 323 days on Provident Fund, Gratuity, Earned Leave, Commuted Pension and other retirement benefits and last month 11 days salary, within a specified time.

For Petitioner : Ms.S.Vasanthi
For R1 & R2 : Mr.R.Venkatesa Perumal
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 31.07.2022 on reaching the age of superannuation. However, his terminal benefits, i.e., Provident Fund, Gratuity, Earned Leave Salary, Commuted Pension and other retirement benefits, came to be settled belatedly on 18.06.2023 and the respondents have not paid interest for the belated payment. The petitioner also states that his last month's salary for 11 days has not been paid to him till date. In this regard, the petitioner has given a



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representation to the respondents on 18.09.2023, which is yet to be considered.

3. Insofar as the petitioner's entitlement for interest on the belated payment of retirement benefits is concerned, 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 pay interest on the belated payment of the terminal benefits of the petitioner, the ends of justice could be secured.

4. With regard to the petitioner's prayer for payment of salary of 11 days for the last month of his employment, it would be appropriate that the petitioner's representation dated 18.09.2023 be considered by the respondents within a stipulated time.

5. 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



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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. There shall also be a direction to the first respondent to consider the petitioner's representation dated 18.09.2023 for payment of 11 days salary, on its own merits and in accordance with law. Such orders shall be passed 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.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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