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W.P.No.34529 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34529 of 2022

B.Sekar

... Petitioner

Vs.

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai - 600 002.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvallurar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits such as gratuity, earned leave, commutation of pension, provident fund and other retirement benefits payable to the petitioner with 18% rate of interest within the time frame to be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.Balaji
Standing Counsel



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ORDER

The grievance of the petitioner in this Writ Petition is that his employer, viz., the respondent transport corporation, has paid his retirement benefits belatedly and therefore, they are liable to pay interest for the said belated payment.

2. It is settled law as laid down by various decisions of this Court that, in case of delay in payment of retirement benefits, the employer is liable to pay the interest at a rate of 4% per annum.

3. The petitioner has given a representation on 20.06.2022, requesting for payment of interest. Eventhough, the petitioner has claimed interest at the rate of 18% per annum in his representation, if at all he is entitled only for 4% interest.

4. No prejudice would be caused to the respondent transport corporation if a direction is issued to them to pay interest at the rate of 4% per annum to the petitioner, in case they have paid the retirement benefits to the petitioner, belatedly.



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5. For the foregoing reasons, this Court directs the respondent transport corporation to consider the petitioner's representation dated 20.06.2022, seeking payment of interest for the belated payment of his retirement benefits, in the light of the above mentioned observations, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

05.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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ABDUL QUDDHOSE. J.,

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**05.01.2023
(3/14)**