



WEB COPY



W.P.No.32873 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32873 of 2023

1.G.Lakshmipathy

2.M.Godhandapani

3.S.Kanagaraj

...Petitioners

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Chennimalai Road,
Erode – 1.

3.The Administrator,
Tamil Nadu State Transport
Corporation EPF Trust,
Pallavan House, Thiruvalluvar Salai,
Chennai – 600 002.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay interest for the belated payment of Provident Fund, Death cum Retirement Gratuity, Encashment of Earned Leave, Surrender Leave and Commuted Value of Pension at the rate of 12% per annum and to pay the Retirement Benefits Scheme Recovery Amount along with interest at the rate of 12% per annum.

For Petitioners : Mr.N.K.Ponraj

For R1 & R2 : Mr.M.Murali Vinodh,
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 petitioners 1 to 3 herein had retired from service on 30.06.2022, 31.05.2022 and 31.07.2022 respectively on reaching the age of superannuation. However, their terminal benefits, except retirement benefits scheme recovery amount, came to be settled belatedly on



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09.06.2023 and the respondents have not paid interest for the belated payment. In this regard, the petitioners had given separate representations to the respondents on 27.07.2023, which are 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 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. The first respondent shall also pass appropriate orders for disbursing the retirement benefits scheme recovery amount to the petitioners. Such orders shall be passed by the first respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

hvk

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
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Coimbatore – 641 043.
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