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W.P. No.35138 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35138 of 2022

J.Ansar

.. Petitioner

VS

1. The Managing Director

Tamil Nadu State Transport Corporation (Salem) Ltd
No.12, Ramakrishna Salai
Salem - 636 007.

2. The General Manager

Tamil Nadu State Transport Corporation Ltd (Salem)
Bharathipuram, Dharmapuri Region
Dharmapuri - 636 705.

3. The Administrator

Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the interest for the belated payment of terminal benefits namely provident fund, gratuity, commutation, social welfare amount and consequently direct the respondents to settle leave liability amount, IRT amount, ERBS amount, last six days salary at a rate of 9% p.a.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.Raja
Standing Counsel



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ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents to pay the interest for the belated payment of terminal benefits viz, provident fund, gratuity, commutation and social welfare amount and also for a direction to the respondents to settle the leave liability amount, IRT amount, ERBS amount and last six days salary at the rate of 9% p.a.

2. Mr.K.Raja, learned Standing Counsel accepts notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner in this writ petition is that his terminal benefits, including the provident fund, gratuity, commutation and social welfare amount were paid belatedly by the respondent Transport Corporation. The petitioner also claims that his leave liability amount, IRT amount, ERBS amount and last six days' salary have also not been settled till date by the respondent Corporation.



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4. It is settled law that in case of any delay in payment of terminal benefits, the respondents are liable to pay the interest at the rate of 4% per annum for the delayed period. Insofar as the leave liability amount, IRT amount, ERBS amount and last six days' salary which the petitioner claims is concerned, the same will have to be considered on merits and in accordance with law by the respondent Corporation.

5. The petitioner has given a representation on 23.11.2022 to the respondent Corporation for the aforementioned purpose. Since, the representation has not been considered till date, he has filed this writ petition.

6. Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel, appearing for the respondents.

7. No prejudice would be caused to the respondents if the petitioner's representation, as stated *supra*, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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8. While passing the final orders, the respondents will have to take into consideration the settled law, as laid down by various decisions of this Court, that as an employer, they are liable to pay interest at the rate of 4% per annum for the belated payment of the retirement benefits.

9. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 23.11.2022, seeking for payment of interest for the belated payment of the terminal benefits viz, the provident fund, gratuity, commutation and social welfare amount and also subsequently direct the respondents to settle the leave liability amount, IRT amount, ERBS amount as well as the six days' salary, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, the writ petition is disposed of.
There will be no order as to costs.

03.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To :

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ABDUL QUDDHOSE, J.

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