



W.P.No.33178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33178 of 2023

P.Kandasamy

...Petitioner

Vs.

1. The Managing Director

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

2. The General Manager

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

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 disburse the belated payment of interest amount of Provident Fund, Gratuity, Commutation and Earned Leave Salary amounts and other unsettled benefits, Leave Surrender for the year of 2009-2012 ERBS Pension and 7 days Salary amount with effect from 01.06.2019 within the stipulated time as may be fixed by this Court.



WEB COPY



W.P.No.33178 of 2023

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.K.Raja
Standing Counsel for R1
Mr.CSK.Sathish
Standing Counsel for R2

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 31.05.2019. His terminal benefits, i.e. Provident Fund, Gratuity, Commutation and Earned Leave Salary amounts, came to be settled belatedly. However, Leave Surrender for the year of 2009-2012, ERBS Pension and 7 days salary amount with effect from 01.06.2019 are yet to be paid. The petitioner now claims for the unsettled benefits, together with interest for the belated payment. In this regard, the petitioner has given a representation to the respondents on 20.10.2023, which is yet to be considered.



W.P.No.33178 of 2023

WEB COPY

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 settle the unpaid terminal benefits to the petitioner, together with interest at the rate of 6% per annum on the belated payment of the terminal benefits, 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 pay the unsettled benefits to the petitioner, together with interest 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.

27.11.2023

Index:Yes/No
Speaking order/Non-speaking order
gpa



W.P.No.33178 of 2023

WEB COPY

To

1. The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road
Salem – 636 007
2. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region
Bharathipuram
Dharmapuri
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai – 600 002



WEB COPY



W.P.No.33178 of 2023

M.S.RAMESH,J.

gpa

W.P.No.33178 of 2023

27.11.2023