



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34190 of 2023

K.Mohamed Rafik

... Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director,
Erode.

2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai – 2.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.06.2018 to 21.09.2019 in paying the amounts paid towards his terminal and pension benefits namely EPF Employees' Contribution, Gratuity, Enchashment of Leaves and Commutated value of pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.



For Petitioner	: Mr.V.Ajoy Khose
For R1	: Mr.M.Murali Vinodh, Standing Counsel
For R2	: 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 31.05.2018 on reaching the age of superannuation. However, his terminal benefits, i.e., EPF, Gratuity and encashment of leave came to be settled belatedly on 21.09.2019 and the respondents have not paid 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.

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.

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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, 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.

11.12.2023
(1/3)

Jeni
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

To

1. The Managing Director,
The Management of Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region, Erode.
2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiuvalluvar Illam, Anna Salai, Chennai – 2.



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M.S.RAMESH, J.

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(1/3)