



WEB COPY



W.P.No.35549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35549 of 2023

G.Thiyagarajan

...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 Pension 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 interest for belated payment of Provident Fund, Gratuity,



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Pension Commutation, Earned Leave Salary and consequently direct the respondents to settle welfare amount, IRT amount, ERBS amount, Leave encashment amount and last 10 days salary along with interest.

For Petitioner : Mr.J.Pradeep
For R1 & R2 : Mr.K.Raja,
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 petitioner herein had retired from service on 30.09.2022 on reaching the age of superannuation. However, his terminal benefits, except welfare amount, IRT amount, ERBS amount, Leave encashment and last 10 days salary, came to be settled belatedly on 01.06.2023 and the respondents have not paid interest for the belated payment. In this regard, the petitioner had given a representation to the respondents on 09.12.2023, which is yet to be considered.



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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 terminal benefits of the petitioner within a stipulated time, the ends of justice could be secured.

4. Insofar as the petitioner's claim for payment of the unsettled retirement benefits is concerned, this Court is of the view that such request requires to be worked out by making a representation before the concerned authority only.

5. 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 terminal benefits of the petitioner 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.



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M.S.RAMESH,J.

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

No costs.

21.12.2023

Index: Yes/No

Speaking order/Non-speaking order

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To

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Salem – 636 007.
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