



WEB COPY



W.P.No.35860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35860 of 2023

S. Sampath

... 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,



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Gratuity, Leave salary and Commutation amounts and other unsettled benefits Leave Surrender for the year of 2009-2011 & 2016-2018, ERBS Pension, 12(3) Settlement Arrears and 7 days salary amounts with effect from 01.06.2022 within the stipulated time as may be fixed by this Court.

For Petitioner	: Mr.N. Desinghu
For R1	: Mr.K. Raja, 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 31.05.2022. However, his terminal benefits came to be settled belatedly on 01.02.2022 and the respondents have not paid interest for the belated payment. In this regard, the petitioner has given a representation to the respondents on 06.12.2023, which is yet to be considered.



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3. Though the petitioner has also sought for disbursal of certain unsettled benefits in this Writ Petition, such request requires to be worked out by making a representation before the concerned authority only.

4. 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.

5. In the light of the above observations, there shall be a direction to the respondents 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.



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

No costs.

22.12.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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