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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.11.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Rev.Applw.(MD)No.204 of 2023

S.Murugan ... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. By its General Manager,
Trichy. ... Respondent

PRAYER : Review Application filed under Rules 1 & 2 r/w. Section 114 of CPC, to review the order of this Court dated 06.07.2023 in W.P.(MD)No.16297 of 2023 filed by the applicant.

For Petitioner : Mr.S.Arunachalam

JUDGMENT

This Review Application has been filed to review of the order of this Court in W.P.(MD)No.16297 of 2023 dated 06.07.2023.

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2.The petitioner herein has filed a Writ Petition in W.P.(MD)No. 16297 of 2023 seeking a direction to the respondent to pay the petitioner's interest at the rate of 18% per annum, for the period of delay from 01.06.2022 to 30.05.2023 in paying the amounts paid towards his term benefits namely EPF Employee's contribution and Gratuity. This Court by an order dated 06.07.2023, disposed of the Writ Petition by directing the respondent Corporation to pay interest at the rate of 6% per annum for belated settlement of petitioner's terminal benefits. Against which, the petitioner herein has filed the present Review Application.

3.The learned counsel appearing for the petitioner Mr.S.Arunachalam submitted that the prayer in the writ petition is wrongly typed by mentioning only two benefits and by omitting one benefit, namely Encashment of leave. Unless the aforesaid error is rectified, the respondent may decline interest for the benefit of the Encahsment of Leave and thereby, the petitioner will be denied of the said benefit.

4.In view of the above, this Court is inclined to amend the prayer

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portions in the Writ Petition alone and the same is read as follows:-

"Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 18% per annum, for the period of delay from 01.06.2022 to 30.05.2023 in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of leave.

The present writ petition has been filed seeking direction to the respondent to pay the petitioner's interest at the rate of 18% per annum, for the period of delay from 01.06.2022 to 30.05.2023 in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of leave"

Accordingly, this Review Application is disposed of. The Registry is directed to carry out the aforesaid amendments in the order copy and issue fresh amended order copy in accordance with law. There shall be

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L.VICTORIA GOWRI, J.

Mrn

no order as to costs.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. By its General Manager,
Trichy.

Rev.Applw.(MD)No.204 of 2023

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