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W.P.No.1050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1050 of 2024

D.Elangovan

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12 Ramakrishna Road,
Salem-636 007.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Trust,
Thiruvallurvar House,
Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to disburse the belated payment of interest amount of Provident Fund, Gratuity, Leave Salary and Commutation amounts and other unsettled benefits Leave Surrender for the year of 2009-2011 and 2017-2019, ERBS Pension and 10 days salary with effect from 01.07.2022 within the stipulated time as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.N.Desinghu
For R1 : Mr.K.Raja
Standing Counsel
For R2 : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed for direction directing the Respondents to disburse the belated payment of interest amount of Provident Fund, Gratuity, Leave Salary and Commutation amounts and other unsettled benefits Leave Surrender for the year of 2009-2011 and 2017-2019, ERBS Pension and 10 days salary with effect from 01.07.2022 within the stipulated time as may be fixed by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD) No.26481 of 2019, the following order came to be passed :-



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“5. I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6. In the light of the above observations, there shall be a direction to the respondent / Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of the actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order.”

4. This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above writ petition.

5. In the light of the above findings, there shall be a direction to the respondents herein to pay the interest on the belated payment of the terminal benefits to the petitioner at the rate of 6% per annum, commencing from the date of the retirement, till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

18.01.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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