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W.P.No.1850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM:

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

W.P.No.1850 of 2024

S.Sivaraj

...Petitioner

-Vs-

Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Erode Region,
represented by its Managing Director,
Mettupalayam Road,
Coimbatore-641 043.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to pay petitioner the amount payable towards the encashment of 45 days of earned leaves, surrendered by the petitioner in the years before his retirement, as admitted in RTI by the respondent with 18 percent interest from the date of his retirement, within a time frame as may be fixed by this Honorable Court.

For Petitioner : Mr.V.Ajay Khose

For Respondent : Mr.C.Gowthamraj
Standing Counsel



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ORDER

This writ petition has been filed for directing the respondent to pay the amount payable to the petitioner towards the encashment of 45 days of earned leaves, surrendered by the petitioner in the years before his retirement, as admitted in RTI by the respondent with 18 percent interest from the date of his retirement, within a time frame as may be fixed by this Honorable 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 :-

“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



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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 respondent 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 respondent 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.

30.01.2024

(4/4)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Erode Region,
Mettupalayam Road,
Coimbatore-641 043.



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G.K.ILANTHIRAIYAN. J,

mn

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