



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27612 of 2021

1.Raju, (Died)
2.Manimegalai
3.Chitradevi
4.Anandaprabhu
5.Arjunan
6.Saraswathi ... Petitioners
[P-2 to P-6 are substituted as LR's of the deceased 1st petitioner, as per order dated 22.02.2024 in W.P.No.18131 of 2023 in W.P.No.27612 of 2021]

versus

1.The Principal Secretary to Government,
Transport Department,
Fort. St. George, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd,
37, Mettupalayam Road,
Coimbatore - 641 043. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay Earned Surrender Salary balance amount of Rs.44,543/-, IRT Contribution amount of Rs.4,500/- as per letter in 2547/P2/SPP/TNSCT(CBE)/2021 (2547/P2/சுபரி/தஅபேக(கேர) / (2021) dated 18.03.2021 and to pay interest at the rate of 18% per annum for the belated payment of retirement benefits for the period from 30.01.2020 to 02.06.2021 i.e. 16 months on par with order made in W.P.(MD) No.10553 of 2021 dated 02.07.2021.

For Petitioners : Mr.M.Natarajan



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for Mr.D.Veerasekharan

For Respondent No.1 : Mr.K.H.Ravikumar
Government Advocate

For Respondent No.2 : No Appearance

ORDER

Heard Mr.M.Natarajan, learned counsel for the petitioners and Mr.K.H.Ravikumar, learned Government Advocate for the first respondent and perused the materials available on record.

2. There is no representation for the second respondent either in-person or through his counsel.

3. The first petitioner has filed this Writ Petition, seeking interest on the belated payment of his terminal benefits including the Earned Leave Surrender Salary, which is due to be paid to him.

4. The respondents did not dispute the entitlement of the first petitioner to get the Earned Leave Surrender Salary and Institute of Road Transport (IRT) Contribution of Rs.4,500/-.



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5. Mr.K.H.Ravikumar, learned Government Advocate for the first respondent submitted that due to some financial crises, they are not able to settle such amounts to the first petitioner and others.

6. Since the first petitioner voluntarily retired from service on 31.01.2020, he is entitled to get his terminal benefits to be disbursed at the earliest. But belated payments have been made, that had prompted the first petitioner to file this petition for claiming interest. So far as the gratuity amount is concerned, it carries a statutory interest of 8% and that can be allowed accordingly. With regard to the rest of payment, it carries 6% from the date of retirement of the first petitioner till the date of disbursal. The second respondent is directed to pay the said interest amount along with the pending Earned Leave Surrender Salary and IRT Contribution of Rs.4500/-, within a period of six (6) weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is **disposed**. No costs.

29.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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R.N.MANJULA, J.

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