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W.P.No.35499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35499 of 2024

V.Nagarajan

...Petitioner

Vs

The Management of
Tamilnadu State Transport
Corporation (Kovai) Ltd,
Rep. by its Managing Director,
Coimbatore.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to pay interest at the rate of 12% per annum, for the period of delay from the petitioner's date of retirement (30.09.2022) to till the date of reimbursement (16.06.2023) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leave and other monetary benefits etc., within the time frame as fixed by this Court, without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.V.Ajay Khose

For Respondent : Mr.C.Gowthamaraj



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ORDER

This writ petition has been filed to direct the respondent to pay interest at the rate of 12% per annum, for the period of delay from the petitioner's date of retirement (30.09.2022) to till the date of reimbursement (16.06.2023) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leave and other monetary benefits etc., within the time frame as fixed by this Court, without affecting the petitioner's right to claim balance amounts towards those benefits.

2. The case of the petitioner is that the petitioner is legally entitled to get several terminal benefits namely EPF, Gratuity and Social Security Scheme benefit from the respondent. Those terminal and pension benefits are required to be settled/paid immediately after retirement of the employee. The petitioner was not paid with those terminal and pension benefits, immediately after the petitioner's retirement. The respondent cited several reasons including financial crunch. Hence, due to the delayed payment of the petitioner's terminal and pension benefits. Therefore, the petitioner is unable to meet the petitioner's family needs



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and other commitment.

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(ii). After a period of one year, the respondent has come forward to pay the said amounts towards the petitioner's terminal and pension benefits, but the respondent has paid only the principal amounts for the terminal and pension benefits and failed to pay any amount towards interest for the period of delay in the benefit amounts. Hence, the petitioner made a representation to the respondent on 04.11.2024 to pay interest amounts towards the delayed payment of the above said terminal and pension benefits. However, no action has been taken by the respondent till date. Hence this petition.

3.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation and pass orders.

4. The learned counsel appearing for the respondent submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

5. Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the



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representation of the petitioner and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum interest from the date on which the amount became due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

6. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

22.11.2024

Index: Yes/No

Speaking order/Non-speaking order
msv

To

The Management of
Tamilnadu State Transport
Corporation (Kovai) Ltd,
Rep. by its Managing Director,
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V.BHAVANI SUBBAROYAN,J.

msv

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