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W.P.No.35492 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.35492 of 2024

N.Kannan

...Petitioner

Vs

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

...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 the petitioner, interest at the rate of 18% per annum, for the period of delay from 01.07.2018 to 19.09.2019, in paying the amounts paid towards the petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leaves within a time frame as may be fixed by this Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.V.AJAY KHOSE

For Respondent :Mr.M.Murali Vinodh
Standing Counsel



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ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition to issue a Writ of Mandamus directing the respondent to pay the petitioner, interest at the rate of 18% per annum, for the period of delay from 01.07.2018 to 19.09.2019, in paying the amounts paid towards the petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leaves within a time frame as may be fixed by this Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

3. The case of the petitioner is that the petitioner was appointed/working as Driver in the respondent Corporation from 21.11.1992. After completion of 26 years of service and finally working as Special Grade Driver in the respondent Corporation, he was retired from service on 30.06.2018 on reaching superannuation.



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After passing of several months, the respondent gave cheque on 19.09.2019 and the amounts were credited in petitioner's bank account on 20.09.2019. Thereafter, the petitioner gave representation on 20.09.2024 to the respondent requesting to pay the interest amounts towards the delayed payment of the terminal benefits. But, the respondent has not come forward to pay the same till date. Hence this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the case of the petitioner and pass orders.

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

6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the petitioner's case and pass orders on the claim made by the petitioner



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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 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.

7. 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 Managing Director,
The Management of
Tamilnadu State Transport
Corporation (Kovai) Ltd,
Erode Region,
Erode.



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V.BHAVANI SUBBAROYAN,J.

msv

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