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W.P.No.35846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.35846 of 2024

Mariadoss

...Petitioner

-Vs-

1.Metropolitan Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai 600 002.

2.The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to pay the petitioner interest for the belated payment of P.F., earned leave salary and gratuity and commuted value of pension at the rate of 12% per annum, within a specified time as may be fixed by this Court and pass such further orders.



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For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.R.Balaji
Standing Counsel

ORDER

Mr.R.Balaji, learned Standing Counsel takes notice on behalf of the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondents to pay the petitioner's interest for the belated payment of P.F., earned leave salary, gratuity and commuted value of pension at the rate of 12% per annum within a specified time.

3. Learned counsel appearing for the petitioner submitted that the petitioner joined the services of the first respondent Corporation as a Conductor on 24.01.1988. He was lastly working as Traffic Inspector Conductor with Staff No.C13381 in the first respondent Corporation and retired from the services on 31.03.2023. The petitioner is entitled to get employees' contribution of P.F gratuity, encashment of earned leave salary



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and the commuted value of pension immediately after his retirement. The gratuity amount has to be paid within 30 days from the date of retirement/superannuation of the Petitioner. The employees' contribution of P.F., encashment of earned leave and commuted value of pension have to be settled and paid to the petitioner either on the date of retirement itself or on the day next to the date of his retirement. However, the first respondent did not settle the terminal benefits to the petitioner immediately and on the due dates. The first respondent paid petitioner the employees' contribution of P.F., earned leave salary, gratuity and commuted value of pension only on 30.10.2024 after a delay of 19 months and also the first respondent did not pay petitioner any interest for the delayed payment.

4. Learned counsel further submitted that the petitioner made a representation dated 07.11.2024 to the first respondent requesting to pay the petitioner's interest. However, the first respondent was not considered the same and has not taken any action so far. Hence the writ petition is filed.

5. Heard both sides and perused the materials available on record.



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6. Without going into the merits of the case, the respondent is directed to pay the eligible and admissible amount with interest at the rate of 6% per annum for the belated payment to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame by this Court, it will fetch interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of actual realisation.

In the result, the writ petition stands disposed of with the above observations and direction. No costs.

26.11.2024

cda

Index : Yes/No

Speaking/Non Speaking order



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To

- 1.The Managing Director,
Metropolitan Transport Corporation Ltd.,
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- 2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 600 002.



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J.SATHYA NARAYANA PRASAD, J.

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