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W.P.No.35848 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.35848 of 2024

P.Selvaraj

...Petitioner

-Vs-

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

...Respondent

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's interest for the belated payment of P.F., EL/ML salary and gratuity at the rate of 12% per annum, within a specified time as may be fixed by this Court and pass such further orders.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.R.Balaji
Standing Counsel



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ORDER

Mr.R.Balaji, learned Standing Counsel takes notice on behalf of the respondent. 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 respondent to pay the petitioner's interest for the belated payment of P.F., EL/ML salary and gratuity 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 respondent Corporation as a Driver on 26.01.1993. He was lastly working as Special Grade Driver with Staff No.D15888 in the respondent Corporation and retired from the services on 31.01.2023. The petitioner is entitled to get employees' contribution of P.F and encashment of EL/ML salary 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 and encashment of EL/ML have to be settled and paid to the petitioner



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either on the date of retirement itself or on the day next to the date of his retirement. However, the respondent did not settle the terminal benefits to the petitioner immediately and on the due dates. The respondent paid petitioner the employees' contribution of P.F., EL/ML salary and gratuity only on 30.10.2024 after a delay of 19 months and also the 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 respondent requesting to pay the petitioner's interest. However, the 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.

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



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Court, it will fetch interest at the rate of 12% per annum from the date

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J.SATHYA NARAYANA PRASAD, J.

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

To

The Managing Director,
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai 600 002.

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