



WEB COPY



W.P.No.38633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38633 of 2024

K. Palanisamy

...Petitioner

Vs

The Management of
Tamil Nadu 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 directing the respondents to pay interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.06.2018 to 21.09.2019 in paying the amounts paid towards petitioner's terminal benefits namely EPF Employee's contribution, Gratuity and Encashment of Leave/Already Surrendered Earned Leave within a time frame as may be fixed by this Hon'ble Court and pass orders.

For Petitioner

: Mr.V. Ajoy Khose

For Respondents

: 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 respondents to pay interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.06.2018 to 21.09.2019 in paying the amounts paid towards petitioner's terminal benefits namely EPF Employee's contribution, Gratuity and Encashment of Leave/Already Surrendered Earned Leave within a time frame as may be fixed by this Court and pass orders.

3.The case of the petitioner is that the petitioner joined in the Respondent/Corporation as a Conductor on 16.10.1985 and retired as Senior Checking Inspector on 31.05.2018. The grievance of the petitioner is that the terminal benefits was settled belatedly, due to which he is entitled for interest for the belated payment. Therefore, the petitioner gave a representation to the respondents on 21.10.2024. However, no action has been taken by the respondents till date. Hence this petition.



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

5. The learned standing counsel appearing for the respondents 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.

6.Considering the facts of the case and the submissions made by either side counsel, this Court directs the Respondent/Corporation to pay the eligible amount as payable to the petitioner along with interest at the rate of 6% per annum for the delay period in settling the said amount. This payment shall be made 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 fixed by this Court, it will fetch an 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.



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

No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To
The Management of
Tamil Nadu State Transport Corporation(kovai) Ltd.,
Erode Region, Erode.



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V.BHAVANI SUBBAROYAN,J.

Smn

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