

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.616 of 2015
and
M.P.No.1 of 2015

The Managing Director,
Tamilnadu Transport Corporation Ltd.,
Rangapuram, Vellore,
Vellore District.

...Appellant

Vs.

1. The Director of Pension,
Office of Directorate of Pension,
DMS Complex,
Chennai.
2. M.Ramalingam

...Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 24.01.2013 made in W.P.No.2299 of 2012.

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to disperse of the pension for the period of 08.01.2001 to 31.08.2010 with further interest from 23.07.2010 to till date.

For Appellant : Mr.P.Paramasivadosh
For Respondents : Mr.Sathishkumar for R-2
Mr.P.S.Sivashanmugasundaram,
Spl.G.P for R-1

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 24.01.2013 passed in W.P.No.2299 of 2012.

2. Heard Mr.P.Paramasiadoss, learned counsel appearing for the appellant, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for first respondent and Mr.Sathishkumar, learned counsel appearing for second respondent.

3. With the consent of learned counsel for parties, the writ appeal is taken up for disposal at the admission stage itself.

4. The appellant Corporation has come up with this appeal only against a part of the order with regard to the interest amount for the belated payment of pension at the rate of 18% per annum till date. The learned counsel appearing for the appellant would submit that pension could not be paid on account of certain unavoidable circumstance. Even otherwise, the rate of interest is on higher side. In service matters, the writ petitioner / second respondent herein is not entitled to commercial rate of interest.

5. Mr.Sathishkumar, learned counsel appearing for the second respondent/ writ petitioner submits that the writ petitioner is agreeable to the interest payable at the rate of 12% in lieu of 18% per annum.

6. Be that as it may, we have examined the case from all angles and perused the pleadings and documents appended thereto. We are of the considered view that the writ petitioner will be entitled to payment of interest as directed by the learned Single Judge at the rate of interest offered by the Banks for fixed deposits. Thus, the impugned order is modified to that extent alone. Accordingly, this writ appeal is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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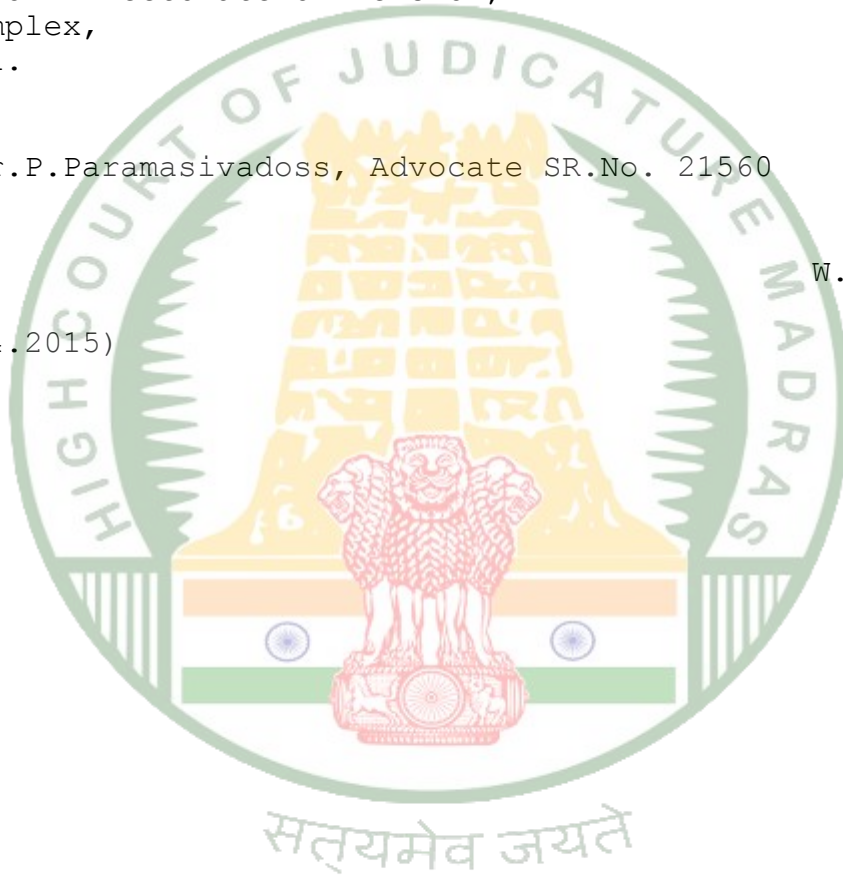
1. The Managing Director,
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2. The Director of Pension,
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Chennai.

1 CC to Mr.P.Paramasivadoss, Advocate SR.No. 21560

W.A.No.616 of 2015

TEJ (CO)
PSI (28.04.2015)



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