

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.19522 of 2018

K.Maharajan

.. Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043.

2.The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents for payment of interest to him for the delayed payment of Gratuity, Commutation and all other terminal benefits by stipulating rate of interest by this Court for the interest amount towards terminal benefits by fixing time limit for payment.

For Petitioner : Mr.A.Rajendiran

For Respondents: Mr.P.Kannan Kumar, Standing Counsel

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to pay interest to him over and above the amount of gratuity and commutation pension and other terminal benefits at the rate this Court may deem fit and proper for delayed payment of the same.

2. As it appears that the writ petitioner after rendering 33 years of service as a Special Grade Conductor with the respondents, superannuated from service on 30.09.2012. However, the respondents did not release his 1/3 value of commuted pension and the other terminal benefits immediately after his retirement. His commutation amount was released after a lapse of 13 months as well as his gratuity was released on 23.01.2017. The petitioner is entitled to interest for such delayed payment of pension as well as gratuity in view of the settled position of law in this regard

and hence, he came to file the writ petition seeking the relief as stated earlier.

3. However, during the course of hearing on admission, it is submitted by the learned counsel for the petitioner that he has made a representation in this regard on 30.06.2018 to the respondents and as such, the writ petition be disposed of, with the direction to the respondents more particularly, the first respondent to consider his representation in the light of the law laid down by Division Bench of this Court in W.A.No.665 of 2018 on 13.07.2018.

4. Learned Standing counsel, who accepts notice for the respondents submits that there was no inordinate delay in release of the commuted value of the pension no doubt, there was some delay in release of the gratuity. However, he submits that the decision on which the petitioner has placed reliance has no application to the present facts and situation inasmuch as the same was rendered in a different facts and circumstances and the case of the petitioner is not covered by the same. But, fairly submits that the respondents shall consider such representation and extend the benefit of payment of interest if any, payable to the petitioner in accordance with law.

5. In view of the aforesaid facts and situations, this Court disposes of this writ petition, without seeking any reply affidavit to consider the representation of the petitioner with regard to payment of such interest, taking note of the facts and situations as well as the regulation of the respondent Corporation with regard to payment of such interest so also the law laid down by this Court particularly, the applicability of the decision rendered in the aforesaid W.A.No.665 of 2018 on 13.07.2018 by a speaking order within six weeks of receipt of a copy of this order. However, it is made clear that this Court has not expressed any opinion on merit of such representation in any manner. No costs.
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Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

+1cc to Mr.A.Rajendiran, Advocate SR.NO.51777
+1cc to Mr.P.Kannankumar, Advocate SR.NO.52786

CA(CO)
sm:7.9.2018

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