

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.11.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P.Nos.30864, 30869, 30871, 30872 and 30875 of 2018

K.T.Chandrababu	.. Petitioner in W.P.30864 / 2018
S.Pitchaimuthu	.. Petitioner in W.P.30869 / 2018
S.R.Narayanan	.. Petitioner in W.P.30871 / 2018
N.Munimallaiah	.. Petitioner in W.P.30872 / 2018
K.Rajendran	.. Petitioner in W.P.30875 / 2018

- Vs -

1. Metropolitan Transport Corporation
(Chennai) Ltd. Rep. by its Managing
Director, Pallavan Illam
Pallavan Salai, Chennai - 2.
2. Tamilnadu State Transport Corporations
Employees' Pension Trust, rep. by its
Administrator, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2. ... Respondents in all the W.Ps

Common Prayer in WP No.30864, 30872/2018 :- Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to pay the petitioners interest at the rate of 12% for the belated payment of Gratuity, PF, Earned Leave Salary and Commuted Value of Pension for the period from the date of his retirement to the date of actual payment and award costs.

Common Prayer in WP No.30869, 30871/2018 :- It is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ in the nature of Mandamus, directing the respondents to pay the petitioner interest at the rate of 12% for the belated payment Earned Leave Salary and Commuted Value of Pension, for the period from the date of his retirement to the date of actual payment, Award costs and thus render justice.

Prayer in WP No.30875/2018 :- For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ in the nature of mandamus, directing the respondents to pay the petitioner interest at the rate of 12% for the belated payment of Gratuity amount and for the Earned Leave Salary and Commuted Value of Pension, for the period from the date of his retirement to the date of actual payment, Award costs and thus render justice.

For Petitioner : Mr. R.Krishnaswamy in all WPS

For Respondents : Ms. Rajeni Ramdoss in all WPS

COMMON ORDER

The present petitions have been filed by the petitioners for a direction to the respondents to pay interest at the rate of 12% on the belated payment of Gratuity, PF, Earned Leave Salary and Commuted Value of Pension for the period from the date of their retirement to the date of actual payment.

2. The petitioners, retired from the services of the first respondent on attaining superannuation. After their retirement from service, their retiral benefits were paid by the respondents belatedly. In view of the inordinate delay in payment of the dues to the petitioners, the petitioners submitted representations to the respondents claiming interest on the belated payment of terminal benefits. Since, no order has been passed on the said representations, the present petitions have been filed.

3. Ms. Rajeni Ramdoss, learned standing counsel for the respondent takes notice and submits that as per the decision of this Court in W.P. No.43667 of 2016, which has been upheld by the Division Bench of this Court in W.A. No.665 of 2018, interest on belated payments of terminal benefits to the retired employees could only be at the rate of 6%.

4. Following the ratio laid down above, this Court is of the view that it would suffice to direct the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioners within a particular time frame, in the light of the ratio laid down in the decisions noted above.

5. In the above circumstances, these writ petitions are disposed of directing the respondents to pay interest at the

rate of 6% p.a. on the belated payment of terminal benefits to the petitioners in the light of the ratio laid down by this Court as noted above, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

KST

To

1. Metropolitan Transport Corporation
(Chennai) Ltd. Rep. by its Managing
Director, Pallavan Illam
Pallavan Salai, Chennai - 2.
2. Tamilnadu State Transport Corporations
Employees' Pension Trust, rep. by its
Administrator, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1cc to Mr.S.Rajeniramadass, Advocate SR.No.80172

+1cc to Mr.V.Ajoykhose, Advocate SR.No.80121

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SVN(CO)
GMY(14/12/2018)

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