

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.8392 of 2018**

R.M.Rajendran

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Express Transport Corporation,
Thiruvalluvar Illam,
Pallavansalai, Chennai-600 002.

2. The General Manager,
Tamil Nadu State Express Transport Corporation,
Thiruvalluvar Illam,
Pallavansalai, Chennai-600 002.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the 18 % interest for the belated payment of the petitioner retirement benefits i.e., Commutation, Provident Fund, Gratuity from the date of petitioner retirement to the actual date of payment of retirement benefits to the petitioner and pay the same to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.K.Sathyasingh,
Standing Counsel.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the respondents to pay 18 % interest for the belated payment of the petitioner's retirement benefits i.e., Commutation, Provident Fund, Gratuity from the date of petitioner's retirement to the actual date of payment of



retirement benefits to the petitioner and pay the same to the petitioner within the time frame to be fixed by this Court.

2. Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned Standing Counsel, who accepts notice on behalf of the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner submits that the petitioner, after having worked for several years at the respondents Corporation, retired from service. Though the petitioner had retired, his service benefits were not given. Therefore, after having obtained orders from this Court, the petitioner was able to get the retirement benefits. However, the said retirement benefits were given belatedly. Therefore, the petitioner would be entitled to seek for interest of such belated payment.

5. In this regard, the petitioner had made representations to the respondents and last such representation was made on 31.11.2017. Therefore, the learned counsel would submit that if the said representation is directed to be considered by the respondents and the said payment of interest is directed to be paid, the petitioner would be satisfied.

6. I have heard Mr.K.Sathyasingh, learned Standing Counsel appearing for the respondents, who would submit that entire retirement benefits have already been paid to the petitioner. But because of the delayed payment, he seeks for interest. The learned Standing Counsel would further submit that in such situation, this Court has shown its indulgence in number of similar cases, where such interest is directed to be paid for the delayed payment of retirement benefits. Therefore, the same rate of interest can be paid to the petitioner also.

7. Considering the said submissions made by both parties, this Writ Petition is disposed of with the following direction:-

" that the second respondent is directed to consider the request of the petitioner by way of his representations dated 30.10.2017 and 31.11.2017. By considering the same, the second respondent shall calculate the rate of interest at 6 % per annum on the delayed payment of the retirement benefits payable to the petitioner and after calculating the same, the said interest amount shall be paid to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that if the said payment is not paid as



directed herein, the amount shall carry further interest at the rate of 18 % on the expiry of the said two weeks period."

No costs.

WEB COPY

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
Tamil Nadu State Express Transport Corporation,
Thiruvalluvar Illam,
Pallavansalai, Chennai-600 002.

+1cc to Mr.K.Sathyasingh, Advocate Sr.No.62001
+1cc to Mr.N.S.Ramakrishna Dass, Advocate Sr.No.62073
+1cc to The Spl. Government Pleader Sr.No.62498

MYR

VB/KKR/SAR4/14/05/2018/3P/5C

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