

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.04.2018****CORAM:****THE HONOURABLE MR. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 8450 of 2018**

M. Nagendra Pillai

... Petitioner

-Vs-

1. Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Represented by its Managing Director, Vannarapettai, Tirunelveli-627 003.

2. The General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Nagercoil Region, Rani Thottam, Nagercoil-629 001.

... 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 18 % interest for the belated payment of the Provident Fund and Gratuity from the date of petitioner's discharge on 28.07.2015 on medical ground to till the date of actual payments made to him and all other attendant benefits, within the stipulated period.

For Petitioner	: Mr.A.Rahul
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 Provident Fund and Gratuity from the date of petitioner's discharge on 28.07.2015 on medical ground till the date of actual payments made to him and all other attendant benefits, within the stipulated period.

2. Heard Mr.A.Rahul, 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 representation to the respondents and such representation was made on 27.03.2018. 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 representation dated 27.03.2018. 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.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

+1cc to Mr. A. K. Thangavelu, Advocate Sr.No.62096

+1cc to Mr. K. Sathyasingh, Advocate Sr.No.61999

MYR

VB/SV/MMS/SAR4/22/05/2018/2P/3C