



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.12945 of 2018

J.David Raj

... Petitioner

Vs.

1. The General Manager,
State Express Transport Corporation
(Tamilnadu) Ltd.,
Pallavan Salai, Chennai - 600 002.

2. The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay the terminal benefits amount payable to the petitioner including 18% interest for the belated payment of gratuity and further directing the 2nd respondent to pay the interest amount for the belated payment of pension commutation to the petitioner together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.Sathiya Singh, standing counsel

ORDER

The prayer in this writ petition is for a writ of mandamus, directing the 1st respondent to pay the terminal benefits amount payable to the petitioner including 18% interest for the belated payment of gratuity and further directing the 2nd respondent to pay the interest amount for the belated payment of pension commutation to the petitioner together with 18% interest per annum within a time frame as may be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.



3. According to the learned counsel for the petitioner, the petitioner was working as Conductor at the respondent Corporation from 01.09.1986 and after rendering 29 years of service, he retired from service on superannuation on 31.05.2015. After retirement, the retiral benefits of the petitioner had not been paid in time and belatedly it has been paid. Therefore, the petitioner is entitled to recover interest at the nominal rate as has been permitted in similar cases.

4. On the other hand, the learned standing counsel appearing for the respondents, by taking notice, would submit that entire retiral benefits have been paid to the petitioner on time and only with regard to the payment of gratuity and commutation of pension, it was paid belatedly and for the said belated payment, the respondents would pay 6% interest, within a period of two months and therefore, recording the same, this writ petition can be disposed of.

5. I have considered the said submissions made by both sides.

6. In view of the above, this writ petition is disposed of with the following direction:

The respondents shall pay 6% interest for the delayed/belated payment of gratuity and commutation of pension to the petitioner after calculating the said interest, within a period of two months from the date of receipt of a copy of this order, failing which, the said amount will carry interest of 18% from the expiry of the two months period.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

+ 1 CC TO Mr. R. MURUGAN, ADVOCATE IN SR No. 68598

+ 1 CC TO Mr. K. SATHIYA SINGH, ADVOCATE IN SR No. 68966

ARUL

TE/RSK/SAR-4 : 26/10/2018 : 2P/3C