



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018
CORAM :
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.13092 of 2018

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K.Valli

... Petitioner

Vs.

Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
rep. by its Managing Director,
Bye Pass Road,
Madurai - 625 016.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay 6% interest for the belated payment of terminal benefits of P.F. Payable to the petitioner's husband from the date of dismissal i.e. on 23.11.2001 to till the date of actual payment made to her and all other attendant benefits, within the stipulated period.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.A.Jayaram

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondent to pay 6% interest for the belated payment of terminal benefits of P.F. Payable to the petitioner's husband from the date of dismissal i.e. on 23.11.2001 till the date of actual payment made to her and all other attendant benefits, within the stipulated period.

2.Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.A.Jayaram, learned standing counsel appearing for the respondent.

3.The petitioner's husband was the Driver at the respondent Corporation and after having served for long years, he has been promoted as Special Grade Driver. Subsequently, pursuant to the disciplinary proceedings against him, he was dismissed from service on 23.11.2001. Even though the petitioner's husband was entitled to receive the provident fund amount, the said amount had not been immediately paid to him and after prolonged request made by the petitioner, subsequently by the petitioner's wife, it was paid only on 01.09.2017 with the delay of 5728 days. Therefore, the petitioner, in order to get interest at the rate of 6% per annum for the belated payment of provident fund amount, which comes around Rs.78,225/-, has approached this Court.

4.I have heard the learned counsel appearing for the petitioner, who would submit that the petitioner being the wife of the deceased employee of the respondent Corporation is entitled to

get 6% interest for the belated payment of provident fund payable to the petitioner's husband.

5.The learned standing counsel appearing for the respondent would submit that because the petitioner's husband was a dismissed employee, after taking the steps to disburse his provident fund amount, the same had been given. Therefore, it cannot carry any interest as claimed by the petitioner.

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

7.No doubt, the petitioner's husband was a dismissed employee. However, he would entitle to get the provident fund and the same had been paid by the respondent Corporation, but, not immediately. After a huge delay of nearly about 16 years i.e. 5728 days. Such a huge delay on the part of the respondent cannot be accepted and therefore, the petitioner is entitled to get 6% interest for the said delayed payment, which was calculated as Rs.78,225/- by the petitioner.

8.In that view of the matter, this Court is inclined to pass the following order:

"The respondent is directed to verify the calculation given by the petitioner at the rate of 6% per annum for the delayed payment of the provident fund from the date of due till the date of payment and accordingly, disburse the said amount of 6% interest to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that within the time frame, if the said amount has not been disbursed to the petitioner, it shall carry further interest of 18% on expiry of six weeks."

9.With the above direction, this writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To
The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road, Madurai - 625 016.

+1CC to Mr.A.K.THANGAVELU, Advocate, SR.No.68840

W.P(MD)No.13092 of 2018
20.06.2018

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<https://hcservices.ecourts.gov.in/hcservices/>
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