



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15041 of 2018

S.Padmanabha Pillai

...Petitioner

-Vs-

1. The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Ltd.,
Ranithottam, Nagercoil-629 001,
Kanyakumari District.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvallur 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, to direct the respondents to pay the 12% interest for the belated payment of the petitioner retirement benefits of commutation 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 Petitioners : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.K.Sathyasingh
Standing counsel for TNSTC

ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus to direct the respondents to pay the 12% interest for the belated payment of the petitioner's retirement benefits of commutation from the date of the 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, for the petitioner and Mr.K.Sathyasingh, learned Standing Counsel, appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that, the petitioner was working as Checking Inspector at the second respondent corporation and retired from service on 31.05.2011. After retirement, service benefits had been paid to the



petitioner. However, with regard to the commutation, the first instalment of Rs.2,31,843/- was made on 12.09.2012 and the balance amount of Rs.12,154/- was settled only on 27.02.2018. Therefore, there has been a huge delay in making the payment to the petitioner. Hence, the petitioner shall be entitled to get the reasonable interest for the said belated payment of retirement benefits. Therefore, the petitioner in this regard made a representation, dated 18.04.2018 to the second respondent to pay the said interest. However, no action has been taken by the second respondent. Hence, the petitioner is before this Court.

4.In this regard, the learned counsel for the petitioner would submit that if a direction is given to consider the representation of the petitioner, dated 18.04.2018 and an order to that effect is passed, the petitioner will be satisfied.

5.I have heard the learned Standing Counsel appearing for the respondents, who would submit that the representation submitted by the petitioner would be considered in accordance with law and an order to that effect will be passed within the time to be stipulated by this Court.

6.In view of the limited scope of the writ petition and after hearing the submissions made on both sides, this Court is inclined to pass the following order:-

"that the second respondent is directed to consider the representation of the petitioner dated 18.04.2018, with regard to payment of interest for the belated payment of retirement benefits on merits and in accordance with law and pass orders to that effect within a period of six weeks from the date of receipt of a copy of this order."

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

+1CC to Mr.K.Sathyasingh, Advocate, SR.No. 72618
+1CC to Mr.N.S.Ramakrishna Dass, Advocate, SR.No.72641

W.P.(MD)No.15041 of 2018
12.07.2018

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