



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15688 of 2018

WEB COPY

M.A.Sasikala

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli 627 003.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay 6% interest of the retirement benefits to the petitioner in view of the representation dated 14.07.2018.

For Petitioner : Mr.S.Royce Immanuel
For Respondent : Mr.K.Sathiya Singh

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the respondent to pay interest at the rate of 6% per annum to the petitioner for the belated payment of retirement benefits.

2.Heard Mr.S.Royce Immanuel, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned standing counsel appearing for the respondent.

3.The petitioner was an erstwhile employee of the respondent Corporation and after serving long years, she retired from service on superannuation. Though service benefits had been paid to the petitioner, the Gratuity amount payable to the petitioner had been paid belatedly i.e. after 17 months. Therefore, the petitioner, in order to get the interest for the belated payment of retirement benefits, has already made a representation dated 14.07.2018 to the respondent to give interest @ 18% per annum. Since the same has not been considered, the petitioner has come out with the present writ petition.

4. The learned Counsel for the petitioner would submit that if the said representation is directed to be considered by the respondent Corporation and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.



5. I have heard the learned standing counsel appearing for the respondent, who would submit that entire retiral benefits had been paid to the petitioner, if at all any belated payment in this regard, certainly the petitioner is entitled to get 6% interest per annum for the belated payment of retirement benefits from the date of due till the date of payment and such payment of interest would be made by the respondent, within a period of two months.

6. I have considered the submissions made by the learned standing counsel appearing for the respondent and after considering the limited scope of the writ petition, this Court is inclined to pass the following order:

"The respondent Corporation is directed to calculate and pay the interest for the belated payment of retirement benefits to the petitioner at the rate of 6% per annum from the date of due till the date of payment, within a period of two months from the date of receipt of a copy of this order.

It is made clear that within the said two months, if the 6% interest are not paid, the same shall carry further interest of 18% per annum on the expiry of two months period."

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

Sd/-
Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli 627 003.

+1cc to Mr.S.Royce Immanuel, Advocate SR.No.73816
+1cc to Mr.K.Sathiya Singh, Advocate SR.No.74050
Rm
MK/SKN/SAR 3/07.06.2018/2P/4C

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