

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.30003 of 2019

K.Ramasamy

... Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem-636 007.

2.The Administrator,
Tamilnadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvallur House,
Pallavan Salai,
Chennai-600002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ or an order or direction in the nature of writ, particularly a Writ of Mandamus directing the respondents to pay a sum of Rs.1,18,904/- towards the interest at the rate of 6% per annum for the delayed payment of retirement benefits to the petitioner in view of the judgment made in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.A.Nagarathinam

For Respondents : M/s.Rajeni Ramadoss

W R I T
O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs.1,18,904/- towards the interest at the rate of 6% per annum for the delayed payment of retirement benefits to the petitioner in view of the judgment made in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

2. According to the petitioner he entered service as Conductor and retired from service on 31.03.2018 on attaining the age of superannuation. The petitioner was paid a sum of Rs.8,82,842/- on 03.11.2018 towards the amount of Provident Fund, a sum of Rs.6,95,423/- on 03.11.2018 towards the amount of Gratuity, Rs.2,30,702/- on 03.11.2018 towards the Leave Salary and Rs.6,17,780/- towards Commutation on 23.09.2019. There is a delay of seven months in payment of Provident Fund, Gratuity and Leave Salary from the date of retirement. Also, there is a delay of 18 months in making payment of Commutation from the date of retirement. Since there is delay in payment of terminal benefits, according to the petitioner, the respondents are liable to pay interest at the rate of 6% per annum and thereby he is entitled to a sum of Rs.1,18,904/- towards interest for the delayed payment of his terminal benefits. In this regard, the petitioner made a representation on 05.10.2019 but the same is not evoking any response. Hence the present Writ Petition.

3. Learned counsel for the petitioner would submit that admittedly there is delay in payment of retirement benefits to the petitioner and thereby, the petitioner is entitled to 6% interest thereon. He would also refer the order passed by the learned First Bench of this Court in W.A(MD) Nos.383 to 457 of 2015 in and by which this Court has observed that the delay in making payment of terminal benefits, the interest payable would become 18% for the delayed period and therefore applying the same to the case in hand, the petitioner is entitled to the interest for the delayed period which goes to Rs.1,18,904/-.

4. A perusal of the order passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 would reveal that the learned First Bench of this Court while taking note of the statement made by learned Additional Advocate General who reported that terminal benefits of the appellants would be settled in twelve equal monthly installments carrying interest at 6% per annum, the First Bench observed that in case of any delay in making the payment of any of the installments, the interest payable would become 18% per annum for the delayed period apart from any other remedy which may be available to the appellant therein for non compliance of undertaking. Therefore, it appears that in that case, there was no settlement regarding retirement benefits in favour of the appellant therein over a period, the Government has come forward to pay the same through twelve equal monthly installments carrying interest of 6% per annum and the learned Bench observed that if still there is delay in making the payment of installments the interest would be enhanced from 6% to 18%. This order cannot be applied to the present case and direct the respondents to make payment in regard to the interest since the petitioner has already been settled retirement

benefits and such benefits have been settled in one lump sum and not by way of installments. Therefore, the petitioner is not entitled to seek the relief based on the above said order.

5. Accordingly, the Writ Petition itself is misconceived and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem-636 007.
- 2.The Administrator,
Tamilnadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvallur House,
Pallavan Salai,
Chennai-600002.

+lcc to M/s.A.Nagarathinam, Advocate Sr.88099

W.P.No.30003 of 2019

rp[col]
srg 28/01/2020

सत्यमेव जयते
WEB COPY