BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.02.2019
CORAM
THE HONOURABLE MR.JUSTICE R.MADHADEVAN

W.P(MD)No.2677 of 2018

C.Asokan ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam, Thanjavur District - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam, Thanjavur District - 612 001.

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits RBS (Retirement Benefit Scheme) with interest at the rate of 18% for belated payments of Rs.29,234/- for Provident Fund, Rs.67,669/- for Gratuity, Rs.16,959/- for Commutation and Rs.28,144/- for Earn Leave Salary.

For Petitioner : Mr.K.Gokul
For RR 1 & 2 : Mr.D.Sivaraman
For R - 3 : Mr.AP.Muthu Pandian

ORDER

According to the petitioner, he worked in the respondent Corporation as Driver and he retired from service as Senior Grade Driver on 31.05.2016, on reaching the age of superannuation. Claiming some portion of the terminal and pensionary benefits due to him have not been settled, the petitioner made representation to the respondents. However, the same yielded no result. As he is entitled to receive the terminal and pensionary benefits, the petitioner has come forward with the present writ petition seeking a direction to the respondents to disburse his retirement benefits RBS (Retirement Benefit Scheme) with interest at the rate of 18% for belated payments for Provident Fund;Gratuity; Commutation and Earn Leave Salary.

2.Heard both sides and perused the records.

3.This Court, in W.P.No.20107 of 2018 vide order dated 28.02.2019, extensively dealt with the issue relating to sanction of retirement benefits, pension and interest on belated payment of the same and ultimately, observed and held at paragraphs 20 and 22, as under:

> "20.Thus, the principles enunciated from the aforesaid decisions rendered by the Supreme Court as well as by this Court and also in the light of the Government Orders and the relevant provisions of law, are that the benefits bestowed by law upon an employee in recognition of his/her committed, continuous, loyal and devoted duty by payment of the pension, gratuity, leave salary etc., are in the nature of property and such right cannot be taken away without following due process of law; further, the grant of pension is not a bounty and the Government is obliged to follow the relevant Rules in that regard; Also that, the delay in settlement of retiral benefits and payment of pension is frustrating the employees and the same could have been compensated by way of interest."

> "22.In view of the above, the respondent authorities are directed to consider the claim of the petitioner in line with the observations made in the earlier Paragraph Nos.4 to 20 of this order and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18% p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order."

4.Following the aforesaid order, this writ petition stands disposed of directing the respondent authorities to consider the claim of the petitioner in line with the observations made in the Paragraph Nos.4 to 20 of the order dated 28.02.2019 passed in WP(MD) No.20107 of 2018 and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18%p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
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3.The Administrator,
Tamil Nadu State Transport Corporation Limited,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 2.

+1 CC to M/s.K.GOKUL, Advocate (SR-50575[F] dated 28/02/2019)
+1 CC to M/s.D.SIVARAMAN, Advocate (SR-50823[F] dated 01/03/2019)

W.P(MD)No.2677 of 2018
28.02.2019

ES/DS/02.05.2019/3P/6C