



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.10882 of 2015

and

W.M.P. (MD) Nos.2838 and 2839 of 2015

D.Radhakrishnan

... Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited,
By-Pass Road, Madurai -10.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondent to settle the Employees Retirement Benefit Scheme arrears and IRT contributions and the interest at the rate of 9% per annum for the belated payment of terminal benefits from the date of retirement on 30.09.2000 till the date of payment on 05.11.2013 in the light of judgment reported in 2014 (4) LLN 14 (SC) and as per Rule 45A of the Tamil Naud Pension Rules.

For Petitioner :Mr.S.Govindan

For Respondent :Mr.A.P.Muthupandian

ORDER

According to the petitioner, he worked in the respondent Corporation as Driver and he retired from service on 30.09.2000, on on Voluntary Retirement. However, the terminal and pensionary benefits due to him have not been settled. Hence, he made representation to the respondent. However, the same yielded no result. As he is entitled to receive all the terminal and pensionary benefits, the petitioner has filed the present writ petition with the above prayer.

2.Heard both sides and perused the records.

3.This Court, in WP(MD)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 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 authority is 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //



To
The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited,
By-Pass Road, Madurai -10.

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+1 CC to M/s.S.GOVINDAN, Advocate (SR-53830[F] dated 14/03/2019)

+1 CC to M/s.A.P.MUTHU PANDIAN, Advocate (SR-53861[F] dated
14/03/2019)

cmr

W.P (MD) No.10882 of 2015
13.03.2019

KM/ (21.05.2019) 3P 4C