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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.11.2019
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P(MD)No.23995 of 2019

S.Rajagopal ... Petitioner

vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) ltd.,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi.

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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the period of delay from 01.12.2018 to 20.09.2019 in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.A.Arunachalam
For R1 : Mr.D.Sivaraman
For R2 : Mr.A.Swaminathan

ORDER

This writ petition is filed for a direction to the respondents to pay interest at the rate of 18% per annum, for the period of delay from 01.12.2018 to 20.09.2019 in paying the amounts towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

2. Mr.D.Sivaraman, learned counsel takes notice for the

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first respondent and Mr.A.Swaminathan, learned counsel takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was working as Checking Inspector in the first respondent Transport Corporation and retired from service on 30.11.2018. His terminal benefits were settled on 20.09.2019 after delay of more than nine months. The grievance of the petitioner is that, the respondents have not paid the interest for the delayed payment as per the judgment of the First Bench of this Court, dated 12.06.2015 in W.A.(MD)Nos.383 to 457 of 2015. He made representation to the respondents on 28.09.2019 and the respondents have not passed any orders on the representation. Hence, the petitioner has come out with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. This issue has already been decided by the First Bench of this Court referred to above. In view of the same, the respondents are directed to pay the interest at the rate of 6% for the delayed payment in twelve (12) equal monthly instalments on or before 10th day of every English Calendar month. The first instalment is to be paid on or before 10th day of February, 2020.

6. With the above direction on, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-98807[F] dated 15/11/2019)

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