



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.25033 of 2019

S.Kalimuthu

... Petitioner

vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region
Represented by its General Manager
Karur

2.The Administrator
Tamil Nadu State Transport Employee's Pension Fund Trust
Thiruvalluvar Illam
Anna 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 01.05.2018 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 Leaves and Commutated Value of pension, within a time frame as may be fixed by this Court.

For Petitioner: Mr.S.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 01.05.2018 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 leaves and Commutated Value of pension, within a time frame as fixed by this Court.



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

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3. According to the petitioner, he was working as Driver in the first respondent Transport Corporation on 31.03.1990 and retired from service on 30.04.2018 as Special Grade Driver on attaining the age of superannuation. His terminal benefits were settled on 21.09.2019 after delay. 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 30.09.2019 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, the learned counsel appearing for the first respondent and the second respondent 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 March, 2020.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-101661[F] 27/11/2019)

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