

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.7950 to 7972 of 2011

A.Natesan	... Petitioner in W.P.No.7950 of 2011
N.Arumugam	... Petitioner in W.P.No.7951 of 2011
K.Krishnan	... Petitioner in W.P.No.7952 of 2011
K.Anandan	... Petitioner in W.P.No.7953 of 2011
R.Dankotti	... Petitioner in W.P.No.7954 of 2011
R.Vivekanandan	... Petitioner in W.P.No.7955 of 2011
M.Krishnasamy	... Petitioner in W.P.No.7956 of 2011
R.Balasubramanian	... Petitioner in W.P.No.7957 of 2011
D.Srinivasan	... Petitioner in W.P.No.7958 of 2011
S.Govindan	... Petitioner in W.P.No.7959 of 2011
P.V.Ramasamy	... Petitioner in W.P.No.7960 of 2011
R.Ramalingam	... Petitioner in W.P.No.7961 of 2011
K.Sundaram	... Petitioner in W.P.No.7962 of 2011
R.Marimuthu	... Petitioner in W.P.No.7963 of 2011
V.Arumugam	... Petitioner in W.P.No.7964 of 2011
A.Basheer	... Petitioner in W.P.No.7965 of 2011
P.Natrayan	... Petitioner in W.P.No.7966 of 2011
M.R.Shanmugam	... Petitioner in W.P.No.7967 of 2011
A.Appas	... Petitioner in W.P.No.7968 of 2011
K.Periaswamy	... Petitioner in W.P.No.7969 of 2011
P.Periaswamy	... Petitioner in W.P.No.7970 of 2011
D.Venkatachalam	... Petitioner in W.P.No.7971 of 2011
P.Veeranan	... Petitioner in W.P.No.7972 of 2011

vs.

1. State Express Transport Corporation Ltd.,
rep. By its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

... Respondents in all W.Ps.

W.P.No.7950 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,45,352/- from the date of his superannuation, i.e. 31.05.2006 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7951 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,22,045/- from the date of his superannuation, i.e. 30.11.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7952 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,06,229/- from the date of his superannuation, i.e. 30.06.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7953 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,00,204/- from the date of his superannuation, i.e. 30.06.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7954 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,37,986/- from the date of his superannuation, i.e. 31.01.2009 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7955 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,82,757/- from the date of his superannuation, i.e. 30.09.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7956 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,32,173/- from the date of his superannuation, i.e. 31.10.2006 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7957 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,47,486/- from the date of his superannuation, i.e. 28.02.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7958 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,24,932/- from the date of his superannuation, i.e. 31.07.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7959 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,42,424/- from the date of his voluntary retirement, i.e. 30.11.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7960 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,51,377/- from the date of his superannuation, i.e. 28.02.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7961 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,94,054/- from the date of his superannuation, i.e. 30.04.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7962 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of

Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,51,001/- from the date of his superannuation, i.e. 31.12.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7963 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,52,758/- from the date of his superannuation, i.e. 31.12.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7964 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,72,918/- from the date of his superannuation, i.e. 31.01.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7965 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,53,134/- from the date of his superannuation, i.e. 31.01.2009 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7966 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,10,120/- from the date of his superannuation, i.e. 28.02.2009 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7967 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,39,829/- from the date of his superannuation, i.e. 31.01.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7968 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of

pension of Rs.90,133/- from the date of his superannuation, i.e. 31.08.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7969 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.2,01,717/- from the date of his superannuation, i.e. 20.09.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7970 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,31,419/- from the date of his superannuation, i.e. 29.02.2008 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7971 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,58,712/- from the date of his superannuation, i.e. 31.07.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

W.P.No.7972 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the Petitioner, interest at the rate of 12% per annum on the commuted value of pension of Rs.1,96,690/- from the date of his superannuation, i.e. 30.06.2007 till 28.10.2009, the date on which the commuted value of pension was paid to him with costs.

For Petitioner in all W.Ps. : Mr.K.Elango
For Respondents in all W.Ps. : Mr.K.Kathiresan,
Government Advocate

COMMON ORDER

Petitioners have come up with the present Writ Petitions seeking a direction to the Respondents to pay them interest at the rate of 12% per annum on the commuted value of pension from the date of their superannuation till the date on which the commuted value of pension was paid to them.

2. Learned counsel for the Petitioners, in support of his stand, has relied on a decision rendered by the First Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, in and by which, this Court, vide judgment dated 12.06.2015, has observed that, when there is delay in making payment of terminal benefits, the interest payable would become 18% for the delayed period. According to the learned counsel, by applying the said decision to the case on hand, the Petitioners would be entitled to 18% interest for the delayed period.

3. When the matter was taken up for hearing, learned Government Advocate appearing for the Respondents submitted that, Respondents should have released the payment much earlier. However, Respondents have agreed to pay 6% interest per annum on the commuted value of pension, in six instalments. In support of his stand, he relied on a decision of this Court in the case of K.Ramasamy vs. The Managing Director, Tamilnadu State Transport Corporation (Salem) Ltd. (W.P.No.30003 of 2019, dated 22.10.2019). Relevant portion of the said decision reads thus:

"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."

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. It is represented by the learned Government Advocate appearing for the Respondents that, the Respondents have agreed to pay 6% interest per annum on the commuted value of pension, in six instalments, and the Petitioners are also willing to accept the same, even though there is a delay in payment of interest for more than a decade. Hence, in order to give a quietus to the issue on hand, this Court directs the Respondents to pay the Petitioners, interest at 6% per annum on the commuted value of pension from the date of their superannuation till the date on which the commuted value of pension was paid to them, in six monthly instalments, in any event on or before 31st March 2021.

6. In case, Respondents fail to pay the interest on the commuted value of pension to the Petitioners within the time stipulated, rate of interest for the period of delay, will be at 9% per annum and not at 6% per annum. The difference of 3% interest payable to the Petitioners for the belated payment, shall be made by the Respondents/Transport Corporation and thereafter, it shall be recovered from the Officers concerned, who are responsible for making the payment, and the same may be entered in the Service Records/Register of the Officer, as it has to be and hereby is confirmed and this Civil Miscellaneous Appeal is dismissed. a black mark for those, who have disobeyed the orders of this Court.

In fine, Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

(aeb/jas)

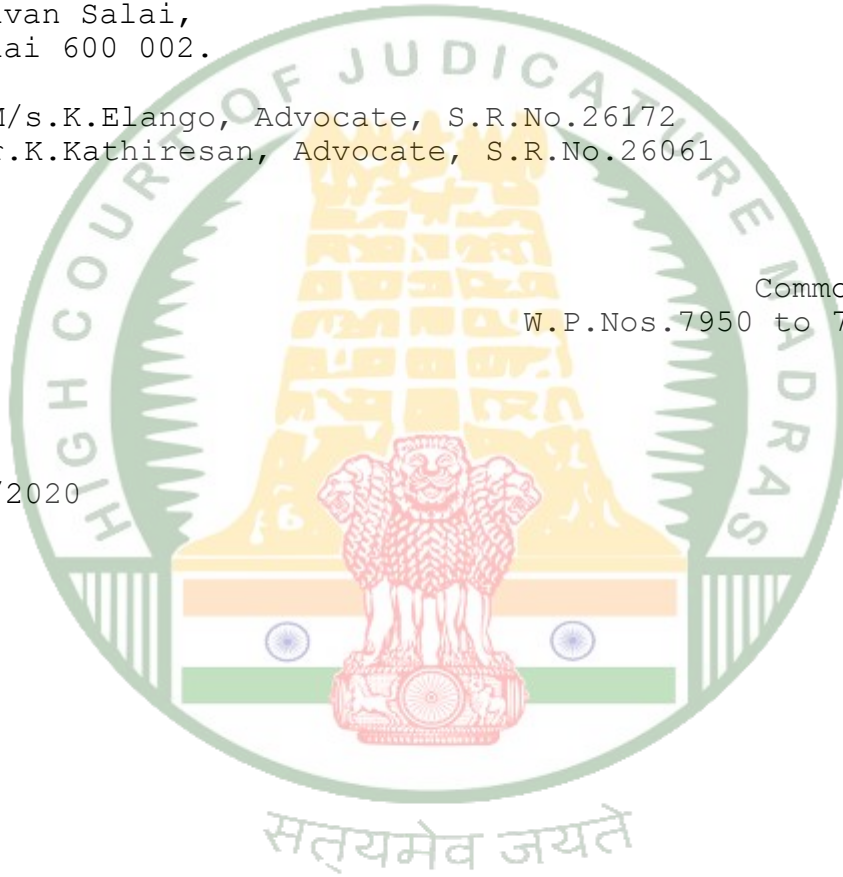
To:

1. The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

+23cc to M/s.K.Elango, Advocate, S.R.No.26172
+1cc to Mr.K.Kathiresan, Advocate, S.R.No.26061

Common Order in
W.P.Nos.7950 to 7972 of 2011

RJI (CO)
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