



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.738 of 2020

A.Muniasamy ... Petitioner
vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The Financial Adviser,
Tamilnadu Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employee's Pension Fund Trust,
Thiruvalluvar Illam, No.2, Pallavan Salai,
Chennai-2. ... Respondents

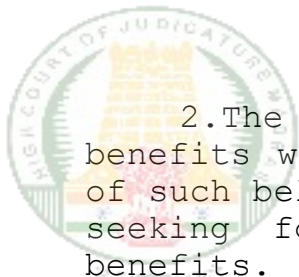
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to disburse interest at the rate of 6% for Provident Fund, Gratuity, Leave Salary and Commutation and also the recovered contribution amount of ERPS (Employees Retirement Pension Scheme) amount for 19 years from 01.09.1998 to till the date on 31.12.2017 as per the 13th Wage Settlement w.e.f. 01.09.2016.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.P.Balasubramanian
1 and 2

For Respondent : Mr.A.Swaminathan
No.3

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.The grievance of the petitioner is that his retirement benefits were settled belatedly nearly after 10 months and in view of such belated settlement, the present writ petition has been filed seeking for interest on the belated payment of the terminal benefits.

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3.The learned Standing Counsel appearing for the respondents would submit that in view of the financial burden cast on the respondent Corporation, they may be permitted to pay the interest on the belated payment in a liberal monthly installments.

4.Heard both sides.

5.I am not in agreement with the said representation made by the learned standing counsel appearing for the respondent Corporation. A duty was cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employees.

6.It is also brought to the notice of this Court that in an identical cases, a batch of writ petitions entertained by this Court and directions have been issued to the respondents to pay the interest at the rate of 6% on the belated payment of the terminal benefits. This Court does not intend to deviate from the said procedure.

7.In the light of the above observations, there shall be a direction to the respondent Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, within a period of three months from the date of receipt of a copy of this order.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:-

+1 CC to M/s.K.GOKUL, Advocate (SR-1872[F] dated 13/01/2020)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-1842[F] dated 13/01/2020)

W.P. (MD) No.738 of 2020
13.01.2020

smn

SDS(03.02.2020) 3P-3C