



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2703 of 2020

WEB COPY

S.Mohaideen Batcha

... Petitioner

vs.

1.Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division,
Bye Pass Road, Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region,
Bye Pass Road, Madurai-625 016.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to pay 18% interest for the belated payment of terminal benefits of P.F., Gratuity, Unavailed Leave Salary and Commutation, payable to the petitioner from the date of his retirement i.e., 31.01.2019 to till the date of actual payment made to him i.e., 21.09.2019 and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

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 petitioner's retirement benefits were settled belatedly on 21.09.2019 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.

3.It is brought to the notice of this Court that in identical cases, a batch of writ petitions were entertained by this Court and



directions have been issued to the respondents to pay interest, at the rate of 6% per annum on the belated payment of the terminal benefits. This Court does not intend to deviate from such orders passed in similar cases

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

5.I am not in agreement with the said representation made. There was already a duty cast on the respondents Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefi, 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 employee.

6.In the light of the above observations, there shall be a direction to the respondents 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.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp

To:-

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye Pass Road, Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region,
Bye Pass Road, Madurai-625 016.



3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

+1 CC to Mr.J.SENTHIL KUMARAIHAH, Advocate (SR-5938[F] dated
12/02/2020)

+1 CC to Mr.A.K.THANGAVELU, Advocate (SR-6280[F] dated 14/02/2020)

order made in
W.P. (MD) No.2703 of 2020
12.02.2020
(34)

MK (03.03.2020) 3P 6C