



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3717 of 2020

- 1.P.Arivalagan
- 2.M.Pachaiyappan
- 3.M.Mani
- 4.R.Karunanithi
- 5.G.Elangovan

... Petitioners

vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy.
- 4.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Karur.
- 5.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to settle the interest for the belated payment of retiral benefits payable to the petitioners with 18% rate of interest within the time frame that may be stipulated by this Court.



For Petitioners : Mr.N.Sudhagar Nagaraj
For R-1 : Mr.R.Sethuraman
Special Government Pleader
For R-2 to R-4 : Mr.P.Balasubramanian
Standing Counsel
For R-5 : Mr.A.Swaminathan
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 petitioners' retirement benefits were settled belatedly on 31.08.2019 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 2 to 4 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 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 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 (CS-III)

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/ /2020

Sub Assistant Registrar (CS)

cp

To:-

1. The Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
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4. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Karur.
5. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-8038[F] dated
25/02/2020)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-8258[F] dated
25/02/2020)

+1 CC to SPL.GP (SR-8789[F] dated 27/02/2020)

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VB(09.03.2020) 3P 9C