



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3618 of 2020

WEB COPY

V.Thirupathi

... Petitioner

/vs./

The Management of

Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
rep., by its General Manager,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to pay interest at the rate of 18% per annum for the period of delay from 01.06.2018 to 23.09.2019 in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employee's Contribution gratuity and encashment of earned/sick leaves within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner
For Respondent

: Mr.S.Arunachalam
: Mr.R.Rajamohan
Standing Counsel.

ORDER

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 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 respondent 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 liberal monthly installments.



5.I am not in agreement with the said representation made. There was already a duty 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 employee.

6.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.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to Mr.R.RAJAMOHAN, Advocate (SR-7957[F] dated 24/02/2020)

Order made in
W.P. (MD) No.3618 of 2020
24.02.2020

VB(09.03.2020) 2P 2C