



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3924 of 2020

WEB COPY

S.Esuraj

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam 612 001.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Anna 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 the difference in the retirement benefits payable to the writ petitioner and to further direct the respondents to pay interest at the rate of 18% per annum for the belated payment of retirement benefits including Provident Fund, Leave Salary, Commuted Value of Pension.

For Petitioner : Mr.D.Senthilkumar
For R-1 and R-2 : Mr.P.Balasubramanian
Standing Counsel
For R-3 : 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 petitioner's retirement benefits were settled belatedly on 20.09.2019 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 Corporation 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.In view of the relief granted above, the petitioner's consequential prayer seeking for direction to the respondents to pay the difference in the retirement benefits payable to him, does not require consideration.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp



To:-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam 612 001.

3.The Administrator,
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Employees Pension Fund Trust,
Thiruvalluvar House, Anna Salai,
Chennai-600 002.

+1 CC to Mr.D.SENTHIL KUMAR, Advocate (SR-9009[F] dated
27/02/2020)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-8983[F] dated
27/02/2020)

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(3/6)

MK (13.03.2020) 3P 6C