BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5028 of 2020

S.Abraham Leslie Kamalesan ... Petitioner

vs.

1.The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region
Represented by its General Manager
Madurai

2.The Administrator
Tamil Nadu State Transport Employee's Pension Fund Trust
Thiruvalluvar Illam
Anna 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 pay interest to the petitioner at the rate of 18% per annum for the period of delay from 01.08.2018 to 21.09.2019, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of earned/Sick leaves and commutated value of pension, within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Arunachalam
For Respondents : Mr.J.Senthil Kumaraiah
For R1 & R2

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 an identical case of batch of writ petitions entertained by this Court, 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.

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 a 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, would already put the retired employee to serious prejudice. Entertaining the said request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employees.

6.In the light of the above observations, there shall be a direction to the respondent 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(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To:-

1. The General Manager
   Tamil Nadu State Transport Corporation (Madurai) Ltd.,
   Madurai Region
   Madurai

2.The Administrator
Tamil Nadu State Transport Employee's Pension Fund Trust
Thiruvalluvar Illam
Anna Salai, Chennai -2

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-10920[F] dated 10/03/2020)

W.P.(MD) No.5028 of 2020
10.03.2020

SBS(CO)
TR(23.03.2020)3P 4C