



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2020

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

W.P.(MD) No.5808 of 2020

T.Palanichamy

... Petitioner

Vs.

1.The Management of

Tamilnadu State Transport Corporation (Madurai)Ltd,

Dindigul Region,

Rep by its General Manager,

Dindigul.

2.The Administrator,

Tamilnadu State Transport Employees' Pension Fund Trust,

Thiruvalluvar Illam, Anna Salai, Chennai-2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to revise the scale of pay of the petitioner w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.2016 to 31.05.2017 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further direct the respondents to revise his pension with effect from June, 2017 and pension commutation, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from June, 2017 and Pension Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioners

: Mr.S.Arunachalam

For R1

: Mr.J.Senthil Kumaraiah

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 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 respondents 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 (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The Management of

Tamilnadu State Transport Corporation (Madurai)Ltd,

Dindigul Region,

Rep by its General Manager,

Dindigul.

2.The Administrator,

Tamilnadu State Transport Employees' Pension Fund Trust,

Thiruvalluvar Illam, Anna Salai, Chennai-2.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-12618[F] dated 20/03/2020)

W.P. (MD) No.5808 of 2020

20.03.2020

KB(08/06/2020) 2P 4C