



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8686 of 2020

WEB COPY

K.Matchaveeran

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Mardhupathi, Mangiri Post,
Karaikudi - 630 307.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse interest at the rate of 6% for retirement benefits Gratuity, Provident Fund and Leave Salary.

For Petitioner

:Mr.K.Gokul

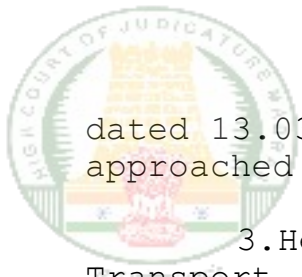
For Respondents

:Mr.P.Balasubramanian, standing
counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to disburse interest at the rate of 6% for retirement benefits Gratuity, Provident Fund and Leave Salary.

2.The grievance of the petitioner, according to the learned counsel appearing for the petitioner, is that, the petitioner was working as Driver at the respondent Transport Corporation from 1994 and thereafter, after serving for long period, on superannuation, he retired from service on 31.05.2018. Though the petitioner retired from service on 31.05.2018, the retiral and pensionary benefits payable to the petitioner like Gratuity, Provident Fund, Leave Salary etc., was not immediately paid by the respondents, instead, it was paid and disbursed only on 31.08.2019 i.e., after 15 months delay. Therefore, in order to get interest at the rate of 6% for the said delayed payment, the petitioner has given representation



dated 13.03.2020. Since that was not considered, the petitioner has approached this Court.

3. Heard the learned Standing Counsel appearing for the Transport Corporation, who would submit that, due to COVID 19 situation, because of the lock down procedure, entire public transport system has become stand still and the respondents are not plying any buses. Therefore, if at all the petitioner's request to be considered for payment of interest for the alleged belated payment of the retiral benefits, that would be considered and to be calculated and paid only after the restoration of normalcy from COVID 19 situation, for which, he seeks at least, six months period.

4. Considering the said submissions made by the learned counsel for both sides and by taking into account the factual matrix of this case, this Court is inclined to issue the following direction:

"the respondents shall consider the request of the petitioner dated 13.03.2020 and after calculating the interest payable to the petitioner for the belated payment of retiral benefits on 31.08.2019 instead on 31.05.2018, i.e., 15 months delay and pass orders for disbursing the said interest amount, within a period of four months from restoration of normalcy from COVID19 situation."

5. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Kumbakonam - 612 001.



2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Mardhupathi, Mangiri Post,
Karaikudi - 630 307.

+1 CC to Mr.K. GOKUL, Advocate (SR-13697[F] dated 05/08/2020)

+1 CC to Mr.P. BALASUBRAMANIAN, Advocate (SR-13754[F] dated
06/08/2020)

W.P. (MD)No.8686 of 2020

04.08.2020

VB (04.09.2020) 3P 5C