



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2020
CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8697 of 2020

KR.S.Venkatachalapathy

... 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 and Commutation.

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 and Commutation.

2.The grievance of the petitioner, according to the learned counsel appearing for the petitioner, is that, the petitioner was working as Junior Engineer at the respondent Transport Corporation from 1983 and promoted as Assistant Manager and thereafter, after serving for long period, on superannuation, he retired from service on 30.06.2018. Though the petitioner retired from service on 30.06.2018, the retiral and pensionary benefits payable to the



petitioner like Gratuity, Provident Fund, Leave Salary and Commutation etc., was not immediately paid by the respondents, instead, Provident Fund, Gratuity and Commutation were paid and disbursed only on 20.09.2019 i.e., after 15 months delay and the Leave Salary was paid and disbursed only on 26.02.2020 i.e., after 20 months. Therefore, in order to get interest at the rate of 6% for the said belated payments, the petitioner has given representation dated 07.03.2020. 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 payments 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 07.03.2020 and after calculating the interest payable to the petitioner for the belated payments of retiral benefits on 30.06.2018 instead on 20.09.2019 and 26.02.2020 respectively, i.e., 15 months and 20 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/-

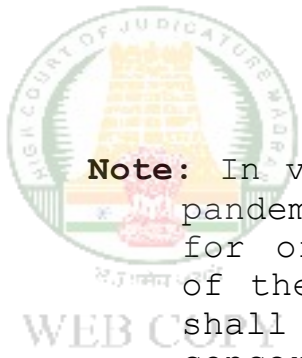
Assistant Registrar(Records)

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Sub Assistant Registrar(CS)

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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.

+1 CC to M/s.K. GOKUL, Advocate (SR-13695[F] dated 05/08/2020)

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-13756[F] dated 06/08/2020)

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