



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) Nos.11680,11691 & 11713 of 2020

U.Rajasekar	...	Petitioner in W.P.(MD) No.11680 of 2020
D.Tamilarasan	...	Petitioner in W.P.(MD) No.11691 of 2020
G.Subbiah	...	Petitioner in W.P.(MD) No.11713 of 2020

Vs.

- 1) The State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai 2 ... Sole respondent in W.P.(MD)
No.11691 of 2020
- 2) The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002 ... RR 1 & 2 in W.P.(MD)
Nos.11713 & 11680 of 2020

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioners' terminal benefits including Gratuity, Terminal leave Salary and Commuted Value of Pension from the date of the petitioners' retirement to till the date on which the said benefits were settled to them.

In all writ petitions:

For Petitioner	: Mr.A.Rahul
For Respondents	: Mr.R.Rajamohan, Standing counsel

C O M M O N O R D E R

The prayer sought for in these writ petitions is for a Writ of Mandamus, to direct the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioners' terminal benefits including Gratuity, Terminal leave Salary and Commuted Value of Pension from the date of the petitioners' retirement to till the date on which the said benefits were settled to them.



2. Since the issue raised in these writ petitions are same or of similar nature, at the consent of the learned counsel appearing on either sides, the writ petitions are taken up for hearing and are being disposed of by this common order.

3. The petitioner in W.P.(MD) Nos.11680 and 11691 of 2020 were working as 'Drivers' and the petitioner in W.P.(MD) No.11713 of 2020 was working as a 'Conductor'. After having served for several years at the respondent Corporation, they retired from service on 31.12.2018, 31.03.2019 and 31.05.2018 respectively.

4. Though these petitioners have retired on those dates, the retiral benefits were not disbursed immediately to them by the respondents and it was disbursed only in September 2019 (i.e.) after more than one and a half years of delay.

5. In view of the said delay, in the disbursement of retiral benefits, the learned counsel appearing for the petitioners would submit that, the petitioners are entitled to claim interest for the belated payment of retiral benefits.

6. The learned counsel would also submit that, similar issues have already been decided by this Court and in a number of cases, orders were passed directing the respondent Transport Corporation / Employer to calculate the interest at the rate of 6% and disburse the same for the belated payment of retiral benefits.

7. The said proposition is not disputed by the learned standing counsel appearing for the respondent Corporation and whatever entitlement, by way of interest at 6% per annum for the belated payment of retiral benefits, would be calculated and accordingly, by considering the representations of the petitioners dated 09.08.2020 & 10.08.2020, final orders would be passed for disbursing the said interest amount.

8. Having regard to the said submission made by both sides and considering the above aspects, this Court is inclined to dispose of the writ petitions with the following orders:

"that the respondents herein shall consider the representations of the petitioners dated 09.08.2020 & 10.08.2020 and accordingly, calculate the interest payable to each of the petitioners for belated payment of retiral benefits at the rate of 6% per annum, from the date of actual due to be paid and accordingly, disburse the same to each of the petitioners within a period of 12 weeks from the date of receipt of a copy of this order. "



9. With these directions, the Writ Petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (crl.side)

WEB COPY

// True Copy //

/ /2020

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.

TO

1) The State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai 2

2) The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002

+3 CC to M/s.R. RAJAMOHAN, Advocate (SR-16828[F] dated
15/09/2020)

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AC (CO)

KB(23.09.2020) 3P 6C