



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11704 of 2020

Adaikkappan

... Petitioner

Vs.

1) The Managing Director,
Tamil Nadu State Transport Corporation(KUM) Ltd.,
New Railway Station Road,
Kumbakonam,
Thanjavur District 612 001

2) The General Manager,
Tamil Nadu State Transport Corporation(KUM) Ltd.,
Marudhupathi,
Karaikudi,
Sivagangai District.

3) The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002

... 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 the belated payment of retirement benefits namely Gratuity, Provident Fund, Leave Salary and commutation.

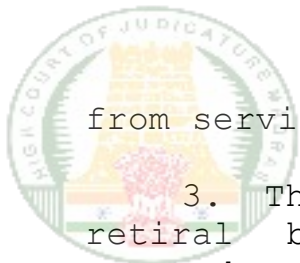
For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.M.Vishnuvarthanan
Standing counsel

O R D E R

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

2. The petitioner was working as a 'Conductor'. After having served for several years at the respondent Corporation, he retired



from service on 30.06.2018.

3. Though the petitioner had retired on 30.06.2018, his retiral benefits were not disbursed immediately by the respondents and it was disbursed only in September 2019 (i.e.) after more than one year and three months of delay.

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

5. 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.

6. 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 representation of the petitioner dated 13.08.2020, final orders would be passed for disbursing the said interest amount.

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

"that the respondents herein shall consider the representation of the petitioner dated 13.08.2020 and accordingly, calculate the interest payable to the petitioner 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 the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order. "

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

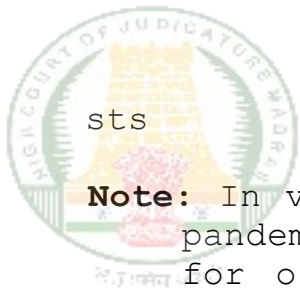
Sd/-

Assistant Registrar(Writs)

// 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 Managing Director,
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 - 3) The Administrator,
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Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002
- +1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate (SR-17006
[F] dated 15/09/2020)

Order made in

W.P. (MD) No.11704 of 2020

Dated: 15.09.2020

SCR(CO)

TR(23.09.2020) 3P 5C