



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

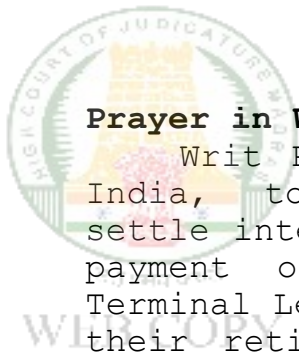
W.P. (MD) Nos.11755, 11775, 11781, 11801 and 11809 of 2020

V.Iyyappan	: Petitioner in W.P.(MD)No.11755 of 2020
K.Ochathevan	: Petitioner in W.P.(MD)No.11775 of 2020
G.Krishnamurthy	: Petitioner in W.P.(MD)No.11781 of 2020
R.Arjunan	: Petitioner in W.P.(MD)No.11801 of 2020
P.Murugesan	: Petitioner in W.P.(MD)No.11809 of 2020

-Vs-

1. The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli. : Respondents in W.P.(MD)No.11755 of 2020
1. The State Express Transport Corporation
(Tamil Nadu) Ltd.,
Represented by its Managing Director,
Pallavan Salai, Chennai-02.
2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02. : Respondents in W.P.(MD)Nos.11775, 11781,
11801 and 11809 of 2020

Prayer W.P. (MD) No.11755 of 2020: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to settle interest at the rate of 6% per annum for the belated payment of the petitioner's terminal benefits including gratuity, terminal leave salary and provident fund from the date of petitioner's retirement till the date on which the said benefits were due to the petitioner.



Prayer in WP(MD). 11775, 11781, 11801 and 11809 of 2020:

Writ Petitions 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 percent per annum for the belated payment of petitioners' terminal benefits including Gratuity, Terminal Leave Salary and Commuted Value of Pension from the date of their retirement till the date on which the said benefits were settled to the petitioners.

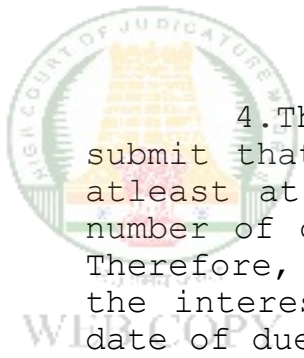
For Petitioner : Mr.A.Rahul
For Respondents : Mr.R.Rajamohan
Standing Counsel(in all petitions)

COMMON ORDER

As the issue raised in all these Writ Petitions is one and the same against the respondent Transport Corporation by the erstwhile employees, with the consent of the learned counsel on both sides, these Writ Petitions are heard together and disposed of at the admission stage itself by way of this common order.

2.The petitioner in W.P.(MD)No.11755 of 2020, who was a Traffic Inspector, after rendering long years of service, retired on 31.01.2018. The petitioner in W.P.(MD)No.11775 of 2020, who was a Conductor, after rendering long years of service, retired on 30.06.2018. The petitioner in W.P.(MD)No.11781 of 2020, who was a Tradesman, after rendering long years of service, retired on 31.05.2018. The petitioner in W.P.(MD)No.11801 of 2020, who was a Conductor, after rendering long years of service, retired on 30.06.2018 and the petitioner in W.P.(MD)No.11809 of 2020, who was a Conductor, after rendering long years of service, retired on 28.02.2018.

3.All these erstwhile employees of the respondent Transport Corporation since retired from service on superannuation in the aforesaid dates, they were entitled to get retiral benefits immediately. However, the respondent Transport Corporation did not pay the retiral benefits to these employees immediately on retirement. However, belatedly, after 10 to 14 months of delay, their retiral benefits have been paid to them. In this regard, it is the grievance of the petitioners that, in view of the belated payment of retiral benefits, they are entitled to get interest atleast at the rate of 6% per annum and in order to get the said interest since each of the petitioners had given representations to the respective respondents on various dates like 02.01.2020, 16.12.2019, 28.10.2019, 22.08.2020 and 04.11.2019, those representations since have not been considered and the interest payable to them since has not been calculated and paid so far, these petitioners have approached this Court by filing these Writ Petitions with the aforesaid claim.



4.The learned counsel appearing for the petitioners would submit that, the petitioners no doubt are entitled to get interest atleast at the rate of 6% per annum and that has been decided in number of cases earlier and those orders had also been implemented. Therefore, these petitioners can also be paid interest, calculating the interest payable to them at the rate of 6% per annum from the date of due of the retiral benefits till the date of payment.

5.Mr.R.Rajamohan, learned Standing Counsel appearing for the respondent Transport Corporation in all these cases, on instructions, would submit that, the respective representations made by the petitioners in these cases would be considered by the respondent Transport Corporation and accordingly, after calculating interest payable to them, in view of the belated payment of retiral benefits, the same would be disbursed to them, within a reasonable time that may be fixed by this Court.

6.Having regard to the said submissions made by the learned counsel appearing on either side and also having considered the factual matrix of the case, as number of similar petitions have already been decided by this Court, where orders were passed, directing the respective employer / Transport Corporation to calculate the interest at the rate of 6% per annum for the belated payment of the retiral benefits to the employees of the Transport Corporation and disburse the same and each of the petitioners would also be entitled to get such interest for the belated payment, this Court is inclined to pass the following order:-

"that the respective respondent in all these Writ Petitions shall consider the respective representations submitted by the petitioners on various dates and accordingly, calculate the total interest payable to each of the petitioners at the rate of 6% per annum on the belated payment of the retiral benefits from the date of actual payment, till the date of payment and accordingly, disburse the said amount to each of the petitioners, within a period of three (3) months from the date of receipt of a copy of this order.

7.With this direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

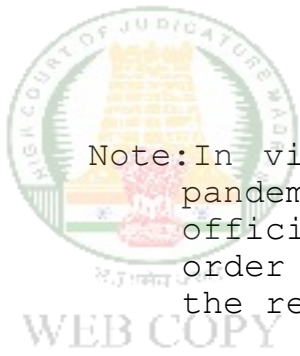
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.
3. The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Pallavan Salai, Chennai-02.
4. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

+5CCs to M/s.R.RAJAMOHAN, Advocate SR.Nos.17181, 17182, 17183, 17184
& 17185.

W.P. (MD)Nos.11755, 11775, 11781,
11801 and 11809 of 2020
16.09.2020

SSS (CO)
CS(09.11.2020) 4P 10C