



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)Nos.12128 and 12201 of 2020

WEB COPY

W.P. (MD)No.12128 of 2020

M.Ramu

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.

... Respondents

PRAYER: Writ Petition 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 my terminal benefits including Gratuity, Terminal Leave Salary, Provident Fund from the date of my retirement to till the date on which the said benefits were settled to the petitioner.

W.P. (MD)No.12201 of 2020

R.Kulanthaivelu

... Petitioner

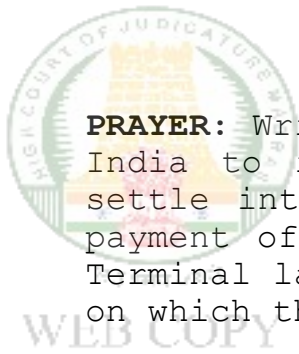
Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle interest to the petitioner at 6% per annum for the belated payment of Provident fund, Gratuity, Commuted value of Pension and Terminal leave salary from the date of my retirement to till the date on which the said benefits were settled to the petitioner.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian
Standing Counsel
(in both writ petitions)

COMMON ORDER

Since the issue raised in both these writ petitions are common, by consent of both the learned counsel appearing on either side, these writ petitions are disposed of by this common order.

2.The petitioner in W.P.(MD)No.12128 of 2020 was working as a Driver and the petitioner in W.P.(MD)No.12201 of 2020 was working as a Tradesman, under the respondent corporation and after several years of service, they retired from service on 28.02.2019 and 30.04.2018 respectively. Though they were retired on the said dates, the retirement benefits were disbursed only on 20.09.2019. Therefore, in order to seek the interest, for belated payment, they made representations dated 20.06.2020 and 08.02.2019 respectively, to the respondents. Since the same has not been considered, the present writ petitions have been filed.

3.Heard Mr. A.Rahul, learned counsel for the petitioner and Mr. P.Balasubramanian, learned Standing Counsel appearing for the respondents in both the writ petitions.

4.The learned Standing Counsel appearing for the respondents would submit that, the representations of the petitioners dated 20.06.2020 and 08.02.2019, would be considered and accordingly they will calculate the interest payable for the belated payment of retirement benefits at the rate of 6% per annum for the petitioners and within a period of not less than three months, they may be permitted to pay the said amount.

5.Considering the submissions made by the learned Standing Counsel appearing for the respondents and by taking into account all the factual matrix of this case and a number of orders of this nature, allowing the respondents to pay the interest at the rate of 6% per annum for the belated payment of retirement benefits, this Court is inclined to pass the following orders:

"that the respondents are hereby directed to consider the petitioners representations dated 20.06.2020 and 08.02.2019 and accordingly decide the interest payable to each of the petitioner



for the belated payment of retirement benefits which become due from the date of their retirement, till the date of payment of retirement benefits, that is on 20.09.2019 and accordingly pay the said interest amount to the petitioners within a period of three months from the date of receipt of a copy of this order".

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6. With this direction, these Writ Petitions are disposed of. However, there is no orders as to costs.

Sd/-

Assistant Registrar (Records)

// 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 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-17772[F] dated 23/09/2020)

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-17773[F] dated 23/09/2020)

W.P. (MD)Nos.12128 and 12201 of 2020
21.09.2020

SSS(CO)

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