



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) No.12038 of 2020

M.Ravichandran

... Petitioner

-Vs-

1.Tamil Nadu State Transport Corporation Ltd.,
rep., by its Managing Director,
Madurai Division,
Bye Pass Road, Madurai 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region,
Madurai 625 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay 18% interest for the belated payment of terminal benefits of unavailed leave salary payable to the petitioner from the date of his retirement i.e., 31.08.2017 to till the date of actual payment made to him i.e., 31.08.2019 and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the respondents to pay 18% interest for the belated payment of terminal benefits of unavailed leave salary payable to the petitioner from the date of his retirement i.e., 31.08.2017 to till the date of actual payment made to him i.e., 31.08.2019 and all other attendant benefits to him within the stipulated period.

2.Heard Mr.A.Ragul, learned counsel appearing for the petitioner, and Mr.J.Senthilkumaraiah, learned Standing Counsel appearing for the respondents.



3.By consent of both the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner was working as Sr.Tradesman(STM) of the respondent Transport Corporation and retired from service voluntarily with effect from 31.08.2017. However, his retiral benefits was paid on 31.08.2019 belatedely. Therefore, for the belated payment of the reitral benefits, the petitioner seeks interest to be paid and in this regard, the petitioner has given a representation on 07.08.2020. Since the same has not been considered, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner would submit that, if the interest at the rate of 6% per annum, as already allowed in a number of cases of similar nature by this Court, is directed to be paid to the petitioner for the belated payment of retiral benefits within a time frame, the petitioner would be satisfied.

6.The learned Standing Counsel appearing for the respondents would submit that, for the belated payment of retiral benefits whatever the entitlement of the petitioner by way of interest would be calculated and be paid within a time frame that may be fixed by this Court.

7.In view of the said submissions made by the learned counsel appearing for both parties, this Court is inclined to dispose of this writ petition with the following order:

'that the respondents are hereby directed to consider the representation of the petitioner, dated 07.08.2020 and pass orders thereon, for including the interest at the rate of 6% payable to the petitioner for the belated payment of the retiral benefits and accordingly, pay the said interest from the date of the said retiral benefits become due till the date of payment within a period of three(3) months from the date of receipt of a copy of this order.'

8.With the above directions, this Writ Petition is disposed of. No costs.

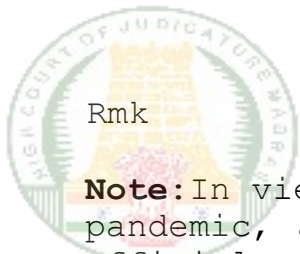
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Rmk

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

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye Pass Road, Madurai 625 016.

+1 CC to Mr.A.K. THANGAVELU, Advocate (SR-17488[F]
dated 21/09/2020)

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18.09.2020

VB (05.10.2020) 3P 3C