



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 12958 of 2020

(Through Video Conferencing)

WEB COPY

M.Chellamuthu

... Petitioner

Vs.

1.The Secretary to Government
Transport Department
Fort St. George,
Chennai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Head Office,
Bye Pass Road,
Madurai Division,
Madurai.

... Respondents

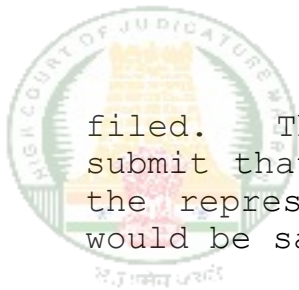
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to sanction the compound interest @ 18% p.a. for the belated payment of retired benefits viz., Provident Fund, Gratuity, Leave Salary, Computation of Pension etc within the period that may be stipulated by this Court.

For Petitioner	:Mr.R.Velmurugan
For Respondents	:Mr.A.Thiyagarajan for R1 Government Advocate Mr.J.Senthil Kumaraiah for R2 standing counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents to sanction the compound interest @ 18% p.a. for the belated payment of retired benefits viz., Provident Fund, Gratuity, Leave Salary, Computation of Pension etc.

2. The petitioner was working as Driver at the respondent Transport Corporation and after rendering long years of service, retired, on 30.06.2018, on superannuation. Though he retired on such date, his retiral benefits was not immediately paid and it was disbursed belated only on 21.09.2019. Therefore, there is a huge delay, according to him in disbursing the retiral benefits, for which, the petitioner is entitled to claim the interest. In this regard, the petitioner has given a representation on 02.06.2020. Since the same has not been considered, this writ petition has been



filed. Therefore, the learned counsel for the petitioner would submit that, if a direction is given to the respondents to consider the representation on merits within a time frame, the petitioner would be satisfied.

3. Heard the learned standing counsel for the second respondent, who would submit that, the request of the petitioner through the representation would be considered on merits within a time frame and accordingly, the interest at the rate of 6%, as ordered in similar case, would be calculated and paid to the petitioner.

4. I have considered the said submissions made by the learned counsel for the parties.

5. Considering the factual matrix of the case, this Court is inclined to dispose of this writ petition with the following direction:

"That the second respondent is hereby directed to consider the representation of the petitioner dated 02.06.2020 and accordingly, calculate the interest payable to the belated payment of the retiral benefits from the date of actual due till the date of payment and to pay 6% of accrued interest to the petitioner within a period of three months from the date of receipt of a copy of this order."

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Secretary to Government
Transport Department
Fort St. George, Chennai.

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



2.The General Manager,
Tamil Nadu State Transport Corporation,
Head Office, Bye Pass Road,
Madurai Division, Madurai.

+1 CC to Mr.R. VELMURUGAN, Advocate (SR-18587[F] dated 30/09/2020)

W.P. (MD) No.12958 of 2020
29.09.2020

VB (29.12.2020) 3P 4C