



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12849 of 2020

P.S.Sankar

...Petitioner

-Vs-

1.The Management of Tamil Nadu
State Transport Corporation,
(Tirunelveli) Ltd.,
Rep., by its Managing Director,
Tirunelveli.

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioner's terminal benefits including Gratuity, Terminal Leave Salary and Provident Fund from the date of the petitioner's retirement to till the date on which the said benefits were settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioner's terminal benefits including Gratuity, Terminal Leave Salary and Provident Fund from the date of the petitioner's retirement to till the date, on which the said benefits were settled to him.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.R.Rajamohan, learned Standing Counsel appearing for the respondents.



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

4.The petitioner was working as Checking Inspector at the respondent Transport Corporation and after rendering service for several years, he retired from service, on superannuation, on 31.01.2018. Though he retired on the said date, his retiral benefits had been paid by way of two installments, as one set of retiral benefits were paid on 10.07.2018 and another set of retiral benefits were paid on 03.11.2018. In view of the said belated payment, since the petitioner is entitled to get a nominal interest. Hence, the petitioner seems to have made a request in this regard to the respondents by way of representation, dated 25.08.2020 and the said representation since has not so far been considered, the present writ petition has been filed with the aforesaid prayer.

5.The learned counsel appearing for the petitioner would submit that, the entitlement of the interest at the rate of 6% atleast per annum for the belated payment of retiral benefits since have been allowed in number of cases and in this regard, several orders have been passed by this Court, a similar direction can also be given to the respondents in the case of the petitioner, as he is also entitled to get such interest for the belated payment of the retiral benefits.

6.The learned Standing Counsel appearing for the respondents would submit that, in the light of the earlier order passed by this Court, the representation of the petitioner, dated 25.08.2020 would be considered on merits and in accordance with law and accordingly, necessary orders to that effect with regard to the payment of interest for the belated payment of the retiral benefits would be passed within a time frame that may be stipulated by this Court.

7.Considering the said submissions made by both sides and the limited scope of the prayer sought for herein, 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 25.08.2020 for calculating the interest for the belated payment of retiral benefits from the date of due till the date of payment at the rate of 6% per annum and accordingly, pay the said amount within a period of three months from the date of receipt of a copy of this order.'



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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-18288[F] dated 28/09/2020)

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NR (12.10.2020) 3P 2C