



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD) No.27296 of 2019

S.Mohamed Khan

... Petitioner

/vs./

1.The Management of

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, rep., by its General Manager,
Karaikudi.

2.The Administrator,

Tamil Nadu State Transport Employee's Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to pay interest at the rate of 18% per annum, for the period of delay from 01.03.2017 to 03.12.2017 in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned Leaves and commutated value of pension, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

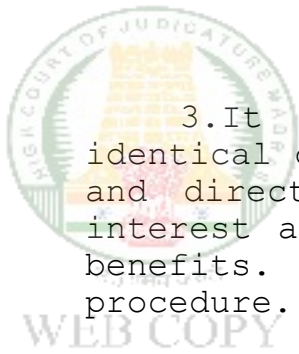
For Respondents : Mr.D.Sivaraman
Standing Counsel (for R1)

Mr.A.Swaminathan
Standing counsel (for R2)

ORDER

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

2.The petitioner's retirement benefits were settled belatedly on 04.12.2017 and in view of such belated settlement, the present writ petition has been filed seeking for interest on the belated payment of the terminal benefits.



3.It is brought to the notice of this Court that in an identical cases, a batch of writ petitions entertained by this Court and directions have been issued to the respondents to pay the interest at the rate of 6% on the belated payment of the terminal benefits. This Court does not intend to deviate from the said procedure.

4.The learned Standing Counsel appearing for the respondents would submit that in view of the financial burden cast on the respondents Corporation, they may be permitted to pay the interest on the belated payment in a liberal monthly installments.

5.I am not in agreement with the said representation made. There was already a duty cast on the respondents Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6.In the light of the above observations, there shall be a direction to the respondents Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-40[F] dated 02/01/2020)

Order made in
W.P. (MD) No.27296 of 2019
Dated: 02.01.2020

JMN(22.01.2020) 2P : 2C