

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.9446 of 2021

A.Venkatesan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Corporation,
(Villupuram) Limited,
3/137, Salamedu, Valudha Reddy Post,
Villupuram - 605 602.
- 2.The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

....Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus, directing the respondents to pay the petitioner a sum of Rs.1,98,399.00 towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary, Commutation and towards surrender of earned leave salary which surrendered in November 2018 with interest.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.P.Karthikeyan

Additional Government Pleader

O R D E R

Mr.P.Karthikeyan, learned Additional Government Pleader, takes notice on behalf of the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2.This Writ Petition has been filed by the petitioner seeking for a direction to the respondents to pay a sum of Rs.1,98,399/-, towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary, Commutation and towards surrender of earned leave salary which surrendered in November 2018, with interest.

3.The petitioner has joined the service of the respondent / Transport Corporation on 15.10.1986. He was retired from service on 31.12.2019 as Assistant Engineering on attaining the age of superannuation. However, his terminal benefits, such as Gratuity, leave salary etc., were paid only on 22.01.2021, after a lapse of 12 months, from the date of his retirement. Seeking interest for the belated payment of terminal benefits such as Gratuity, Leave Salary, Communication and towards surrender of earned leave salary, the petitioner is before this Court.

4.Heard the submissions made on either side.

5.It is well settled in very many cases that the employee is entitled to interest for the belated payment of his retiral benefits. A Division Bench of this Court in GOVERNMENT OF TAMIL NADU, REP. BY ITS SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 01] has held that the employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules / administrative instructions or guidelines and that he can claim interest under Part III of the Constitution, relying on Articles 14, 19 and 21 of the Constitution.

6.In a similar circumstance, the First Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 on 12.06.2015, directed the respondent / Transport Corporation to settle the terminal benefits of its employees in equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. It has also held that the workman is entitled to 18% interest for the defaulted period of installments.

7.Following the above judgments, a learned Single Judge of this Court in W.P.No.15886 of 2020 on 19.01.2021, directed the respondent/ Transport Corporation to pay interest @ 6% per annum, for the belated payment of gratuity and other retiral benefits.

8.Considering the facts and circumstances of the case and also considering the period of delay, this Court is inclined to grant interest @ 4% per annum, for the belated payment of gratuity, leave salary and commutation of pension amount that are yet to be settled, in six equal monthly installments, commencing from 01.06.2021. In case of delay in making installments within the time stipulated supra, the interest payable could be 10% for the delayed period to be recovered from the Officer responsible for disbursement of the amount.

9.It is made clear that the aforesaid direction to pay interest would not preclude the petitioner / workman to question

the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled.

10.The Writ Petition is disposed of with the above observation and direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Pn

To

- 1.The Managing Director,
Tamil Nadu State Corporation,
(Villupuram) Limited,
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Villupuram - 605 602.
- 2.The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1 Cc to Mr.S.T.Varadarajulu, Advocate sr 23464.

+1 Cc to Mr.C.S.K. Sathish, Standing Counsel for TNSTC sr 23447

सत्यमेव जयते

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GPL (CO)
SP(23/04/2021)

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