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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. No. 14518 of 2021

K.Selvarani

..Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Ramakrishna Salai,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to interest amount of P.F. Gratuity, Leave Salary and Commutation amounts others benefits likes Arrears of Leave Surrender, Social Welfare Scheme amount, ERBS Pension Amount and IRT share and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2019 withing the stipulated time as may be fixed by this Court.

For Petitioner : Mr. N.Desinghu

For Respondents : Mr. D.Raghu
Standing Counsel

O R D E R

This Writ Petition is filed for issuance of writ of mandamus directing the respondents to disburse the payments



relating to interest amount of P.F. Gratuity, Leave Salary and Commutation amounts others benefits likes Arrears of Leave Surrender, Social Welfare Scheme amount, ERBS Pension Amount and IRT share and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2019 within a stipulated time as may be fixed by this Court.

2. The petitioner states that he is a retired employee of the respondent transport corporation. The petitioner attained the age of superannuation on 31.07.2019. It is stated that the petitioner was serving as a Superintendent in the Bills Section of the first respondent corporation. Stating that the respondent disbursed the retirement benefits to the petitioner such as Provident Fund, Gratuity, Earned Leave, Commutation of pension etc., with a delay, the petitioner has come forward for getting interest for the delayed payment of the terminal benefits. Though the petitioner states that she is also eligible for other benefits viz., arrears of leave surrender, social welfare amount, ERBS pension amount and IRT share amount, she is not interested in pursuing other claims except the claim towards interest for the delayed payment of terminal benefits.

3. This Court, in several cases, granted interest at 6% per annum for the delayed payment of pension and retirement benefits to be calculated from the date of amount due. This Court subsequently in a few decisions has reduced interest from 6% to 4% per annum due to Covid pandemic.

4. Considering the facts and circumstances of the case and the direction of this Court in several other writ petitions in similar cases, this Court is inclined to dispose of this writ petition in the following directions.:

The first respondent is directed to pay interest to the petitioner at 4% per annum for the delayed payment of terminal benefits calculated from the date of amount due in six equal monthly installments commencing from 01.09.2021. In case there is further delay beyond six months, the respondents shall pay interest at 6% per annum. If there is delay beyond a period of one year, it is open to the petitioner to approach this Court for higher interest or for appropriate orders. With regard to claim towards arrears of surrender leave salary or other ground, the respondent shall consider the representation of the petitioner and pass appropriate orders. In case, the petitioner is found entitled, the same shall also be paid within a period of twelve weeks from the date of receipt of this order. In case of dispute with regard to quantum, it is open to the petitioner to work out his remedy before appropriate forum.



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

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishna Salai,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.N.Desinghu, Advocate, S.R.No.36650

+1cc to Mr.D.Raghu, Advocate, S.R.No.37040

W.P. No. 14518 of 2021

SRA(CO)
RGA(19/08/2021)