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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.15648/2021

K.Raman

..Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai
Salem.

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

..Respondents

Prayer: 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 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount, 12th wage settlement arrears and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2017 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.D.Raghu
Standing Counsel

ORDER

- (1) By consent, the writ petition is taken up for final disposal and disposed of by this order.
- (2) The writ petition is filed by the petitioner, a retired employee of the 1st respondent Corporation, who retired from



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service on 31.05.2017 on superannuation, for issuance of a writ of mandamus directing the respondents to disburse the payments relating to 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount, 12th wage settlement arrears and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.06.2017 within the stipulated time as may be fixed by this Court. Learned counsel now seeks a direction to pay interest for the delayed payment.

- (3) Mr.D.Raghu, learned Standing counsel accepts notice on behalf of the respondents.
- (4) In similar cases, this Court has recently reduced interest at 4% per annum for the delayed payment. It is admitted that the petitioner is entitled to terminal benefits and there was delay in settlement of terminal benefits namely 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount, 12th wage settlement arrears and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances and hence, prayed for payment of interest for the delayed payment. This Court uniformly has recognised the petitioner's entitlement to interest. Though interest @ 6% was granted earlier, the Courts have subsequently reduced the rate of interest from 6% to 4% considering the difficulties of the Transport Corporation during Covid Pandemic.
- (5) This Court is inclined to dispose of the writ petition with the following direction:

The respondents / Transport Corporation is directed to disburse the amount towards 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount, 12th wage settlement arrears and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances within a period of twelve weeks from the date of receipt of a copy of this order. The respondents shall also pay the interest @ 4% per annum for the delayed payment of the above said terminal benefits. The amount calculated towards interest should be paid in six monthly instalments commencing from 01.09.2021. In case of any further delay in paying instalments within the time stipulated by this order, the interest payable will be @ 6% for the delayed payment. If there is any dispute with regard to quantum, the parties are at liberty to workout their remedy independently and if there is a delay in payment beyond one year, then the petitioner is at liberty to approach this Court for higher rate of interest.



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(6) Accordingly, the writ petition stands disposed of.No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

AP

To

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Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai
Salem.
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House
Pallavan Salai,
Chennai 600 002.

+1cc to Mr.D.Raghu, Advocate, S.R.No.37039

+1cc to Mr.N.Desinghu, Advocate, S.R.No.36649

W.P. No.15648/2021

PMK (CO)
RGA(18/08/2021)