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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.16340 of 2021

[Video Conferencing]

S. Gubendran

..Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Division
Karaipettai, Kanchipuram- 631 552.
3. 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 for issuance of a Writ of Mandamus directing the respondents to pay the interest amount for Rs.15,22,749/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment, as per the petitioner's representation dated 09.04.2021.

For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.C.S.K.Sathish
Senior Counsel
for TNSTC, Villupuram.



ORDER

With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.C.S.K.Sathish, learned Senior Counsel for TNSTC, Villupuram. takes notice for the respondents.

3. The petitioner herein, who retired from the service of the Respondents Corporation on reaching the age of superannuation, have come up with the above Writ Petition, seeking a direction to the Respondents to pay the interest amount for Rs.15,22,749/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment, as per the petitioner's representation dated 09.04.2021.

4. Heard the learned counsel on either side and perused the material documents available on record.

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 amount, Commutation amount and Encashment of leave amount that are yet to be settled, in four equal monthly



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installments, commencing from 01.10.2021. 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.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Vazhuthareddy, Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Kanchipuram Division
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3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.

+1cc to Mr.CSK.Sathish, Advocate, S.R.No.39207

+1cc to Mr.R.Anbalagan, Advocate, S.R.No.39018

W.P.No.16340 of 2021

PCH(CO)
RGA(17/08/2021)