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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.17008 of 2021

1. L.Vijayakumar
2. T.Karunakaran
3. V.A.Manavalan
4. P.Chelladurai
5. S.Santhi
6. S.Ramdass
7. G.Vasudevan
8. S.Adhimoolam
9. M.Syedkasim
10. D.Ramamurthi
11. V.Mohanarangam
12. R.Chandran
13. P.Balakrishnan
14. R.Prathabkumar
15. T.Ramalingam
16. V.Dhanasekaran
17. N.Mani
18. V.Srinivasan
19. P.Dhanasekaran
20. K.Chockkalingam
21. M.Subramani
22. R.Gnanavel
23. R.Loganathan
24. M.Rajendran
25. K.C.Rajendran
26. R.Mallika
27. M.Jayaraman
28. D.Mahadevan
29. M.Sekar
30. S.Manokar

.. Petitioners



Vs.

1. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
2, Pallavan Illam, Anna Salai,
Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

.. Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to pay interest @ 10% for the belated payment of gratuity, leave salary and commutation of pension to the petitioners.

For Petitioners : Mr.T.Karkivelan

For Respondent 1 : Mr.K.Moorthy

O R D E R

(The case has been heard through video conference)

With the consent of both parties, the Writ Petition was taken up for final disposal at the admission stage itself. Mr.K.Moorthy, learned Counsel for Transport Corporation takes notice for the first respondent.

2. The petitioners herein, who has retired from the services of the Respondents Corporation on reaching the age of superannuation, has come up with the above Writ Petition, seeking a direction to the respondents to pay interest to the petitioners at the rate of 10% per annum for the period of delay, in paying the amounts paid towards the petitioners terminal benefits namely Provident Fund, Gratuity, Leave Salary and commutation of pension within a time frame.



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3. This Court heard the submission of the learned counsel on either side and perused the materials/ documents available on record.

4. 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.

5. 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 instalments 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 instalments.

6. Following the above judgements, 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.

7. 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 Provident Fund, Gratuity, Leave Salary and commutation of pension, that are yet to be settled, in four equal monthly instalments, commencing from 01.10.2021. In case of delay in making instalments 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.

8. It is made clear that the aforesaid direction to pay interest would not preclude the petitioner s/ workmen to



question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled.

9. The Writ Petition is disposed of with the above observations and directions. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
2, Pallavan Illam, Anna Salai,
Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.S.T.Varadarajalu, Advocate, S.R.No.41042

+1cc to Mr.K.Moorthy, Advocate, S.R.No.40931

W.P.No.17008 of 2021

AK-II(CO)
RLP(21/09/2021)