



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.12.2021

CORAM:

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.26359, 26360, 26362, 26363 & 26364 of 2021

S.Anbalagan .. Petitioner in W.P.No.26359 of 2021
S.Subramani .. Petitioner in W.P.No.26360 of 2021
R.Annamalai .. Petitioner in W.P.No.26362 of 2021
G.Ranganathan .. Petitioner in W.P.No.26363 of 2021
G.Palani .. Petitioner in W.P.No.26364 of 2021

vs.

1.Tamil Nadu State Transport Corporation
(Villupuram) ltd.,
Rep. By the Managing Director,
3/137, Salamedu,
Valudhareddy Post,
Villupuram-605 602.

2.Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep. By the General Manager,
Vellore Regional Office,
Rangapuram, Vellore-632 009.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

.. Respondent in all W.Ps.

Common 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 interest amounts to the Service Gratuity, Commutation of Pension Amount and Leave Salary at the rate of 4% per annum for 18 & 19 months of delayed payment on lines with the order dated 12.06.2015 of the Hon'ble Division Bench of this Court made in W.A.(MD) No.383 to 457 of 2015 and as adopted in the order dated 24.03.2021 in W.P.No.506 of 2021 by considering and passing orders on the petitioner's representation dated 05.10.2021 & 11.10.2021.



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For Petitioner
in all W.Ps.

: Mr.N.Ishak

For Respondents
in all W.Ps.

: Mr.K.Moorthy,
Standing Counsel for Transport Corpn.

COMMON ORDER

The relief sought for in these writ petitions is for a mandamus seeking direction to the respondents to pay the interest at the rate of 10% per annum for the belated payment of the petitioners gratuity, earned leave salary and commuted value of pension, within a specified time.

2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.

3. The petitioners herein were worked under the respondent Transport Corporation and retired from service on various dates, but the respondents have settled the retirement benefits belatedly. The details are mentioned below;

Name of the Petitioner	Date of retirement	Date of settlement of terminal benefits by the respondents
S.Anbalagan (W.P.No.26359 of 2021)	30.06.2019	22.01.2021
S.Subramani (W.P.No.26360 of 2021)	30.06.2019	22.01.2021
R.Annamalai (W.P.No.26362 of 2021)	31.05.2019	22.01.2021
G.Ranganathan (W.P.No.26363 of 2021)	31.05.2019	22.01.2021
G.Palani (W.P.No.26364 of 2021)	30.09.2019	22.01.2021



4. According to the learned counsel for the petitioners, the respondents have settled the retirement benefits belatedly and they have also not paid interest for the said belated payment to the petitioners. Hence, the petitioners have made representations to the concerned Authorities to pay the interest for the belated payment. The petitioners has also relied on the decision of this Court in W.P.(MD)No.19950 of 2020, dated 04.01.2021 in the case of J.Gurumoorthy Vs. TNSTC (Kumbakonam) Ltd, wherein this Hon'ble Court Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits. On the same line, orders to be in the present writ petition.

5. The learned Standing Counsel appearing for respondents fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioners belatedly and further submitted that the petitioners are entitled for interest only at the rate of 4% per annum for the belated payment.

6. In view of the above submissions and with the consent of both parties, there shall be a direction to the respondents to pay the penal interest at the rate of 4% per annum on the belated payment of the retirement benefits for the period from the date of the retirement till the date of actual disbursement, as expeditiously as possible and in any event, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioners had not already given up his right for claiming interest for the retirement benefits. It is also made clear that in default, the respondent-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioners.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram-605 602.



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2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Regional Office,
Rangapuram, Vellore-632 009.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002

+5 ccs to Mr.G.Saravana kumar, Advocate Sr.NO. 66296 to 66300

+5 ccs to Mr.N.Ishak, Advocate Sr.NO. 66019 to 66023

W.P.Nos.26359, 26360, 26362,
26363 & 26364 of 2021

RLD(CO)

A.SK(06.01.2022)