



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.26374 and 26377 of 2021

D.Anbazagan .. Petitioner in W.P.No.26374 of 2021
S.Kuppusamy .. Petitioner in W.P.No.26377 of 2021
vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhutharedy, Salamedu,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram III) Ltd.,
Kanchipuram Region, Ponnarikkari,
Chennai-Bengaluru Bye-Pass Road,
Kanchipuram.
3. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
No.2, Pallavan Salai,
Chennai-600 002. .. Respondents in both 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 10% interest to the petitioner for the belated payment of terminal benefits such as Gratuity, Leave Salary and commutation amount and pass orders.

For Petitioners : Mr.S.T.Varadarajulu
in both W.Ps.

For Respondents : Mr.K.Moorthy,
in both W.Ps. Standing Counsel for Transport Corporation



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
D.Anbazagan (W.P.No.26374 of 2021)	31.05.2018 (Superannuation)	19.09.2019
S.Kuppusamy (W.P.No.26377 of 2021)	30.04.2018 (Voluntarily retired)	19.09.2019

4. According to 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 has made a representation 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 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 II)

//True Copy//

Sub Assistant Registrar

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To

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Tamil Nadu State Transport
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3. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
No.2, Pallavan Salai,
Chennai-600 002.

+2ccs to Mr.G.Saravana Kumar, Advocate, S.R.No.66285,66286
+2ccs to Mr.S.T.Varadarajulu, Advocate, S.R.No.66362,66363
+2ccs to Mr.K.Moorthy, Advocate, S.R.No.66385,66386

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NSK 06/01/2022