



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.26789, 26790, 26792
26794, 26796 AND 26797 OF 2021

M.Jeganathan

... Petitioner in W.P.26789 of 2021

A.Ayyappan

... Petitioner in W.P.26790 of 2021

X.Chandrasekar

... Petitioner in W.P.26792 of 2021

K.Nagaraaj

... Petitioner in W.P.26794 of 2021

R.Jiyabdeen

... Petitioner in W.P.26796 of 2021

M.Thirumalsami

... Petitioner in W.P.26797 of 2021

VS

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Rep by its Managing Director, Coimbatore.

.. Respondents in all writ
petitions

Prayer in W.P.No.26789 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay interest to the petitioner at the rate of 18% p.a., for the period of delay from 01.06.2018 to 20.09.2019, in paying the amounts paid towards petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame, as fixed by this court, without affecting the right of the petitioner to claim balance amounts towards those benefits.



Prayer in WP.No.26790 of 2021:

To issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 18 percentage per annum, for the period of delay from 01.04.2020 to 01.06.2021, in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time frame.

Prayer in WP.No.26792 of 2021:

To issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 18 percentage per annum for the period of delay from 01.07.2019 to 25.01.2021 in paying the amounts paid towards petitioner terminal benefits namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time frame.

Prayer in WP.No.26794 of 2021:

To issue a Writ of Mandamus directing the respondent to pay interest to the petitioner at the rate of 18 percentage per annum for the period of delay from 01.05.2020 to 01.06.2021 in paying the amounts paid towards petitioner terminal benefits namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time frame.

Prayer in WP.No.26796 of 2021:

To issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 18 percentage per annum for the period of delay from 01.04.2020 to 01.06.2021 in paying the amounts paid towards petitioner terminal benefits namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time frame.

Prayer in WP.No.26797 of 2021:

To issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 18 percentage per annum for the period of delay from 01.04.2020 to 01.06.2021 in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time frame.

For Petitioner : Mr.V.Ajay Khose (in all writ petitions)

For Respondents : Mr.A.Sundaravadanam (in all writ petitions)
for Transport Corporation



COMMON ORDER

The relief sought for in all the writ petitions is to issue a Writ of Mandamus directing the respondent to pay interest at the rate of 18% per annum for the belated payment of terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a specified time.

2. The reliefs sought for in all the writ petitions are one and the same and hence, this court is inclined to pass common order.

3. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondent.

4. The petitioners were worked under the respondent Transport Corporation as Conductors, Driver and Junior Tradesman and they had retired from service on attaining the age of superannuation during the year 2018, 2019 and 2020. But, the respondents have settled the retirement benefits to the petitioners belatedly.

5. The learned counsel appearing for the petitioners submitted that, the respondents have settled the retirement benefits belatedly i.e, after a delay of more than one year and they have also not paid interest for the said belated payment to the petitioners. Hence, the petitioners have made a representations to the concerned Authorities to pay interest for the belated payment. He has also relied on the decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015 wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits. Therefore, he prayed that on the same line, orders may be issued in the present writ petitions.

6. The learned Standing Counsel appearing for respondent fairly accepted the fact that the respondent 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.

7. In view of the above submissions and with the consent of both parties, there shall be a direction to the respondent Corporation 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 have not already given up their 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.

8. With the above directions, the writ petitions in W.P.No.26789, 26790, 26792, 26794, 26796 and 26797 of 2021 are disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore.

+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.68015

W.P.No.26789, 26790, 26792,
26794, 26796 and 26797 of 2021

SRA(CO)
PM/25/01/2022