



WEB COPY

W.P.(MD) No.5134 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.5134 of 2021

and

W.M.P(MD) No.4123 of 2021

S.Mookkaiah

... Petitioner

Vs

1.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Corporate Office,
No.2, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

2.The Finance Advisor & Chief Accounts Officer,
State Express Transport Corporation (TN) Ltd.,
Corporate Office,
No.2, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

3.The Senior Deputy Manager, (HRD),
State Express Transport Corpn., (TN) Ltd.,
Corporate Office,
No.2, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

4.The Administrator,
TNSTC Employees Pension Trust,
SETC (TN) Ltd.,
No.2, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the record from the third respondent pertaining to the impugned order passed in Letter No.010108/33/அபிபா/2019 dated 28.01.2020 and quash the same and further direct the respondents to pay 6% interest for the belated payment of terminal benefits and recovered the contribution amount of the Medical, Engineering & Polytechnic College for Rs.10,000/- and the amount of ERPS (Employees Retirement Pension Scheme) amount for 19 years to the petitioner within a stipulated time fixed by this Court.

For Petitioner: Mr.K.Gokul
For R-1 to R-3: Mr.R.Rajamohan
Standing Counsel



For R-4 : Mr.A.Swaminathan
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Aggrieved against the belated settlement of the terminal benefits to the petitioner, he has claimed interest on the belated payment in this Writ Petition.

3. In an identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD) No.26481 of 2019, the following order came to be passed:-

5. I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6. In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% 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, not before the expiry of three months from the date of receipt of a copy of this order.

4. This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5. At this juncture, Mr.R.Rajamohan, learned Standing Counsel appearing for the respondent Corporation would submit that owing to the Covid-19 pandemic situation and non-plying of buses for a considerable time, there has been a heavy revenue loss for the Corporation and therefore, the period of payment spread over three months as, ordered in the earlier Writ Petition, can be extended, so as to enable them to pay the interest amount, within a period of six months.

6. The learned counsel for the petitioner also does not have any objection to the same.



7. In this background, the impugned order of the third respondent in Letter No.010108/rp3/mtpBghf/2019 dated 28.01.2020, is hereby quashed and there shall be a direction to the respondents to pay the interest to the petitioner at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of six months from the date of receipt of a copy of this order.

8. This Writ Petition stands allowed in accordance with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Corporate Office,
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State Express Transport Corporation (TN) Ltd.,
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+1 CC to M/s.K.GOKUL, Advocate (SR-10366[F] dated 11/03/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-10515[F] dated 11/03/2021)

Order made in
W.P.(MD) No.5134 of 2021
10.03.2021

RK (24.04.2021) 4P 7C