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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.5397 of 2021

S.Murugaiah ... Petitioner

Vs.

1.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli - 627 003.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay interest at the rate of 18 percentage of per annum, for the period of delay from 31-04-2019 to 22-01-2021 in paying the amounts paid towards the terminal benefits within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.R.Rajamohan for R1
Standing Counsel.
Mr.A.Swaminathan for R2

O R D E R

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 issue, 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*

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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, 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 objections to the same.

7.In this background, 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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To

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-10522[F] dated 11/03/2021)

+1 CC to M/s.G.M.XAVIER, Advocate (SR-10861[F] dated 12/03/2021)

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