



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5520 of 2021

S.Sivamohanan

... Petitioner

Vs

1.Tamilnadu State Transport Corporation Ltd.,
Rep by it's Managing Director,
Thirunelveli Division,
Thirunelveli -627 011.

2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
Nagercoil Region, Ranithottam,
Nagercoil, Kanyakumari District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund 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, to direct the respondents to pay 18% interest for the belated payment of terminal benefits of P.F., Gratuity and Unavailed Leave Salary and commutation payable to the petitioner from the date of his retirement i.e., 31.07.2019 to till the date of actual payment made to him i.e., 22.01.2021 and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.K.Thangavelu

For R-1 and R-2 : Mr.R.Rajamohan
Standing Counsel

For R-3 : Mr.A.Swaminathan
Standing Counsel

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 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:-

WEB COPY

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 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.

WEB COPY

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

CP

To

- 1.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli Division,
Thirunelveli -627 011.
- 2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
Nagercoil Region, Ranithottam,
Nagercoil, Kanyakumari District.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-10681[F] dated 12/03/2021)

+1 CC to M/s.A.K.THANGAVELU, Advocate (SR-11583[F] dated 16/03/2021)

Order made in
W.P. (MD) No.5520 of 2021
12.03.2021

GS (30.04.2021) 3P 6C