



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.9864 of 2021

M.Micheal

... Petitioner

Vs.

1. The Management of

The Tamil Nadu State Express Transport Corporation (Tamilnadu) Ltd.

Rep by its General Manager,
Pallavan Salai,
Chennai - 600 002.

2. The Administrator,

The Tamil Nadu State Transport Corporation Employee's Pension fund Trust,

No: 2, Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to pay interest at the rate of 18% per annum, for the period of delay from the petitioner's date of retirement (31.05.2019) to till the date of reimbursement (22.01.2021) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Hon'ble court, without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : M/S. Murugan.R

For Respondents : Mr.R.Rajamohan,
Standing Counsel for R1
Mr. Swaminathan,
Standing Counsel for R2

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the Respondents to pay interest at the rate of 18% per annum, for the period of delay from the petitioner's date of retirement (31.05.2019) to till the date of reimbursement (22.01.2021) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Hon'ble court, without affecting the petitioner's right to claim balance amounts towards those benefits.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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

4. The petitioner is a retired employee of the first respondent transport corporation. The petitioner retired from service on 31.05.2019. The respondents have settled the retirement benefits to the petitioner only on 22.01.2021.

5. According to the petitioner, the issues involved in the present writ petition are that the respondents had settled the aforesaid amount belatedly, after a delay of more than 1 year and the respondents have also not paid interest for the belated payment to the petitioner. Hence, the petitioner has made a representation to the concerned authorities to pay interest at the rate of 6 % per annum. The petitioner has also relied on the decision of the earlier writ petition of this court in ***W.P. (MD)No.19950 of 2020 dated 04.01.2021, J. Gurumoorthy vs TNSTC (Kumbakonam) Ltd.*** In the above referred judgement, this 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.

6. Mr.R.Rajamohan, learned Standing Counsel appearing for the respondents 1 and 2 would submit that the respondents had settled the retirement benefit to the petitioner belatedly. Therefore, the petitioner is entitled for the interest as decided in the earlier writ petition of this Court in ***W.P. (MD)No.19950 of 2020.***

7. In the light of the above observations and with the consent of both parties, there shall be a direction to the respondents 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, within a period of four months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

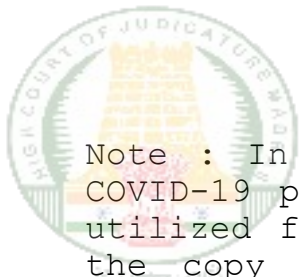
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Sub Assistant Registrar(CS)

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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.

To:

1. The General Manager,
The Management of
The Tamil Nadu State Express Transport Corporation
(Tamilnadu) Ltd.
Rep by its
Pallavan Salai,
Chennai - 600 002.
2. The Administrator,
The Tamil Nadu State Transport Corporation Employee's Pension
fund Trust,
No: 2, Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-27321[F] dated 25/08/2021)
+1 CC to M/s.R. MURUGAN, Advocate (SR-27435[F] dated 26/08/2021)

W.P (MD) No.9864 of 2021
25.08.2021

DJ(CO)
KB(07.09.2021) 3P 5C