



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9742 of 2021

T.Aruldas

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Rep. by its Managing Director,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.

2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rep. by its General Manager,
Ranithottam, Nagercoil.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance 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 (30.06.2019) 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 Commuted Value of Pension, within a time frame as may be fixed by this Court, without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.R.Rajamohan,
Standing Counsel for Government

O R D E R

Mr.R.Rajamohan, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2.By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner's retirement benefits were settled belatedly on 23.01.2021 and in view of such belated settlement, the present writ petition has been filed seeking for interest on the belated payment of the terminal benefits.

4.It is brought to the notice of this Court that in an identical case of batch of writ petitions entertained by this Court,

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directions have been issued to the respondents to pay the interest at the rate of 6% on the belated payment of the terminal benefits. This Court does not intend to deviate from the said procedure.

5.The learned Standing Counsel appearing for the respondents Corporation would submit that in view of the financial burden cast on the respondents corporation, they may be permitted to pay the interest on the belated payment in a liberal monthly installments.

6.I am not in agreement with the said representation made. There was already a duty cast on the respondents corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, would already put the retired employee to serious prejudice. Entertaining the said request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employees.

7.In the light of the above observations, there shall be a direction to the respondent 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 six months from the date of receipt of a copy of this order.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// 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.

To

1.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,

Tirunelveli Division,

Rep. by its Managing Director,

Kattapomman Nagar, V.M.Chathiram,

<https://hcservices.secourts.gov.in/hcservices/>



2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rep. by its General Manager,
Ranithottam, Nagercoil.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-18847[F] dated 07/06/2021)

+1 CC to M/s.R.MURUGAN, Advocate (SR-18893[F] dated 07/06/2021)

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04.06.2021

KB(18.06.2021) 3P 5C