



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12091 of 2021

J.Albert Rabelo Babu

... Petitioner

vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.04.2020 to 01.06.2021, in paying the amounts paid towards the petitioner's terminal benefits, namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves within a time frame fixed by this Court, without affecting the petitioner's right to claim balance amount towards those benefits.

For Petitioner : Mr.S.Arunachalam
For R - 1 : Mr.P.Balasubramanian

ORDER

Mr.P.Balasubramanian, learned Standing Counsel takes notice for the first respondent.

2.The petitioner's retirement benefits were settled belatedly 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.

3.It is brought to the notice of this Court that in identical cases, a batch of Writ Petitions were entertained by this Court and directions have been issued to the respondent 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 such orders passed in similar cases.



4.The learned Standing Counsel appearing for the first respondent 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.

5.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.

6.In the light of the above observations, 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.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 Managing Director,
The Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.



2.The Administrator,
Tamil Nadu State Transport Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-23146[F] dated
19/07/2021)

W.P (MD) No.12091 of 2021
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SGS (CO)
LR (30.07.2021) 3P 4C