



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2021

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12257 of 2021

WEB COPY

V.Subramanian

... Petitioner

Vs.

1. The Management of
State Express Transport (Tamilnadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai - 2.

2. The Administrator,
Tamilnadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

... Respondents

RAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.07.2018 to 17.07.2018 and 01.07.2018 to 17.08.2018, in paying the amounts paid in parts towards the petitioner's EPF Employee's contribution amount and for the periods of delay from 01.07.2018 to 20.09.2019, in paying the amounts paid towards his other terminal and pension benefits namely Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.R.Rajamohan

Standing Counsel, For R1.

Mr.A.Swaminatham,

Standing Counsel, For R2.

ORDER

Mr.R.Rajamohan, learned Standing Counsel takes notice for the first respondent and Mr.A.Swaminathan, learned Standing Counsel for the second respondent.

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 and in view of such belated settlement, this 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, 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 would submit that in view of the financial burden cast on the respondent 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 respondent 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 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 directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

Note:(i) 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
Management of State Express Transport (Tamilnadu) Ltd.,
Pallavan Salai,
Chennai - 2.

2. The Administrator,
Tamilnadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-23470[F] dated 22/07/2021)

W.P (MD) No.12257 of 2021
20.07.2021

RC (02.08.2021) 3P-4C