BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :**20.07.2021**
CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P(MD)No.12289 of 2021

P.Uthayan ... Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation (Madurai) Ltd,
Madurai Region,
Rep. by its Managing Director,
Madurai.

2. The Administrator,
Tamilnadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2. ... 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 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 terminal and pension benefits of the petitioner 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 Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.J.Senthilkumaraiah,
Standing Counsel, For R1
Mr.A.Swaminatham,
Standing Counsel, For R2.

ORDER

Mr.J.Senthilkumaraiah, learned Standing Counsel takes notice for the first respondent and Mr.A.Swaminathan, learned Standing Counsel takes notice 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 (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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<u>*Note*</u>: 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
   Tamilnadu State Transport Corporation (Madurai) Ltd,
   Madurai Region,
   Madurai.

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

W.P(MD)No.12289 of 2021
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TP(CO)
MGJ (30.07.2021) 3P 3C