



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13956 of 2021

WEB COPY

- 1.M.Jose Ebinesar
- 2.N.Sivathanu
- 3.R.Subramanian
- 4.A.Murugesan
- 5.R.Kamala
- 6.D.Jayapandiyan
- 7.S.Sellaperumal
- 8.K.Perumal

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
rep. by its Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilagupaarai,
Trichy Region,
Trichy District,
- 4.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur District.
- 5.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

... 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 settle 18% interest on the delayed payment of petitioner's retirement benefits payable to the petitioner within a time frame.



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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.K.Manickam,
Government counsel for R1
Mr.D.Sivaraman,
Standing counsel for R2 to R4.
Mr.A.Swaminathan,
Standing counsel for R5.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay 18% interest on the delayed payment of retirement benefits payable to the petitioners within the time frame.

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

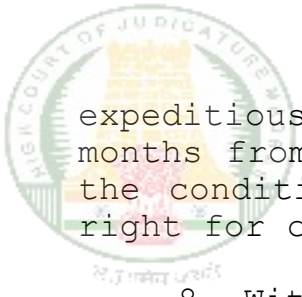
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioners are the retired employees of the respondent transport corporation. The respondents have settled the retirement benefits to the petitioners with a delay of one year from their retirement date.

5. According to the petitioners, the issues involved in the present writ petition are that the respondents had settled the aforesaid amount belatedly, after a delay of 1 year and the respondents have also not paid interest for the belated payment to the petitioner. Hence, the petitioners has made a representation to the concerned authorities to pay interest at the rate of 18 % per annum. The petitioners have 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 passed in the present Writ Petition.

6.The learned Standing Counsel appearing for the respondents 2 to 5 would submit that the respondents had settled the retirement benefit to the petitioners belatedly. Therefore, the petitioners are entitled for the interest as decided in the earlier writ petition of this Court in W.P.(MD).No.19950 of 2021.

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, subject to the condition that if the petitioner has not already given up his right for claiming interest in the retirement benefits.

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

Sd/-

Assistant Registrar (CRL)

// 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 Secretart ti Government,
The Government of Tamilnadu,
Transport Department,
Secretariat,
Chennai-600 009
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilagupaarai,
Trichy Region, Trichy District,
- 4.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Karur District.
- 5.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.



+1 CC to M/s.D.SIVARAMAN, Advocate (SR-25749[F] dated 10/08/2021)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-25834[F] dated 10/08/2021)

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+1 CC to M/s.SPL GP (SR-25876[F] dated 11/08/2021)

W.P (MD) No.13956 of 2021
10.08.2021

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