



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12786 of 2021

A.Francis Xavier

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, Bye pass Road,
Madurai - 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation
Dindigul Region, Chettinayakkanpatti Post,
Dindigul 624 004.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan 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 18% interest for the belated payment of terminal benefits of P.F., Gratuity, Commutation and unavailed leave Salary payable to the petitioner from the date of his retirement i.e., 31.10.2019 to till the date of actual payment made to him i.e., 22.01.2021 and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.K.Thangavelu

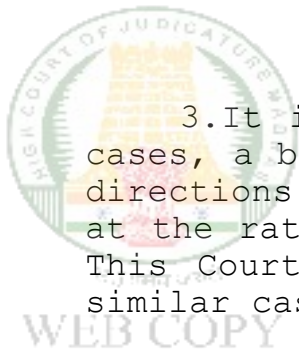
For Respondents : Mr.J.Senthil Kumariah for R1 & R2

Mr.A.Swaminathan for R3

ORDER

Mr.Senthil Kumariah, learned Standing Counsel takes notice for the respondents 1 and 2. Mr.A.Swaminathan, learned counsel takes notice for the third 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 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 such orders passed in similar cases.

4.The learned Standing Counsel appearing for the respondents 1 and 2 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 (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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,
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Madurai Division, Bye pass Road,
Madurai.
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W.P (MD) No.12786 of 2021
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MGJ(19.08.2021) 3P 4C