



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13733 of 2021

1. C.Elangovan
2. N.Sivaraj
3. S.Kumar
4. B.Kaliyamurthy
5. R.Vijayakumar
6. M.Rajendran
7. V.Sekar

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented 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 General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
4. The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits payable to the petitioners with 18% rate of interest within the time frame that may be stipulated by this Hon'ble Court.



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For Petitioners : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.K.Manikkam - for R1
Government Counsel
: Mr.D.Sivaraman - for R2 & R3
Standing Counsel
: Mr.A.Swaminathan - For R4
Standing Counsel.

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits payable to the petitioners with 18% rate of interest

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

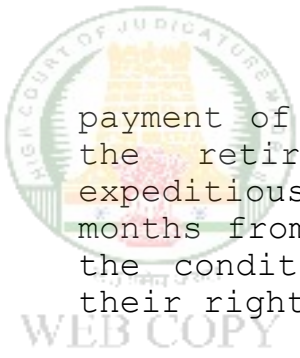
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioners are the retired employee of the first respondent transport corporation. The petitioners retired from service on 31.05.2018, 31.05.2018, 31.05.2018. 30.06.2018, 31.07.2018, 30.09.2018, and 28.02.2019 respectively. The respondents have settled the retirement benefits to the petitioners after a delay of 1 year.

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 petitioners. Hence, the petitioners have made a representation to the concerned authorities to pay interest at the rate of 6 % 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 in the present Writ Petition.

6. Mr.D.Sivaraman, learned Standing Counsel appearing for the first respondent 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 petitioners have not already given up their right for claiming interest in the retirement benefits.

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

Sd/-

Assistant Registrar (AE)

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/ /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 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 General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
4. The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-25647[F] dated 09/08/2021)

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.D.SIVARAMAN, Advocate (SR-25671[F] dated 09/08/2021)

+1 CC to M/s.GP (SR-25944[F] dated 11/08/2021)

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