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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.07.2021
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P(MD)No.12788 of 2021

P.Moorthy ... Petitioner

vs.

1.Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.

2.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 for issuance of a Writ of Mandamus, to direct the respondents to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity, Terminal Leave Salary, Commuted Value of Pension and Provident Fund from the date of his retirement till the date on which the said benefits were settled to him.

For Petitioner : Mr.Rahul.A
For Respondents : Mr.J.Senthil Kumariah for R1
Mr.A.Swaminathan for R2

ORDER

Mr.J.Senthil Kumariah, learned Standing Counsel takes notice for the first respondent. Mr.A.Swaminathan, learned counsel takes notice for the second 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 first respondent would submit that in view of the financial burden cast on

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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 (CS-I)

// 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,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,Chennai - 02.

+1 CC to M/s.A.RAHUL, Advocate (SR-24604[F] dated 29/07/2021)

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29.07.2021

RD(23.08.2021) 2P 4C

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