



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.13013 of 2021

WEB COPY

S.Pandy

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (KMB) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Karaikudi, Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Palavan 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 disburse interest at the rate of 6% for belated payment of retirement benefits Commutation amount of Rs.3,53,033/-.

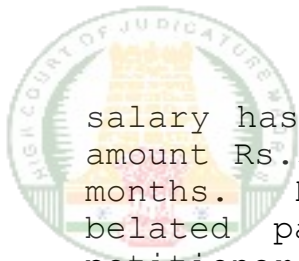
For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian for R1 & R2
Mr.A.Swaminathan for R3

ORDER

Mr.P.Balasubramanian, learned Standing Counsel takes notice for respondents 1 and 2. Mr.A.Swaminathan, learned counsel takes notice for the third respondent.

2. The petitioner joined the respondent Corporation as Conductor on 15.09.1987 and retired on 30.09.2017. After retirement, he received a sum of Rs.2,82,286/- as commutation amount. For that, every month a sum of Rs.2,982/- was recovered from his pension. On the basis of settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, the petitioner's



salary has been revised. Thereafter, the difference of commutation amount Rs.3,53,033/- was given on 30.01.2021, after the delay of 40 months. Hence, the petitioner is entitled for interest for the belated payment of commutation amount of Rs.3,53,033/-. The petitioner made a representation on 20.02.201, seeking to disburse the interest at the rate of 6% for commutation amount of Rs.3,53,033/- and has come out with the present Writ Petition.

3. It is brought to the notice of this Court that in similar circumstances, 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. In the light of the same, there shall be a direction to the third respondent to pay the penal interest at the rate of 6% per annum on the commutation amount of Rs.3,53,033/-, 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.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// 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

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

+1CC to M/s.P.BALASUBRAMANIAN, Advocate(SR-24785[F]dated30/07/2021)
+1 CC to M/s.K.GOKUL, Advocate (SR-24993[F] dated 02/08/2021)

W. P (MD) No.13013 of 2021
29.07.2021