



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13207 of 2021

WEB COPY

K.Karuppaiah

... Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Dindigul Region,
Rep by its General Manager,
Dindigul.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.05.20 to 01.06.21, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr. S.Arunachalam
For Respondents : Mr. J.Senthil Kumaraiah
Standing Counsel
for R1
Mr.A.Swaminathan
for R2.

O R D E R

The petitioner has filed the present writ petition to direct the respondents to settle interest at the rate of 18 % per annum for the belated payment of his retirement benefits from the date of retirement till the date on which the said benefits were settled.

2. Heard the learned counsel appearing for the petitioner 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 petitioner was a conductor in the first respondent transport corporation. The petitioner retired from service on 30.04.2020. The respondents have settled the retirement benefits to the petitioner and the details are stated hereunder:

Sl.No.	Details of the amount payable	Amount in Rs.	Date of Settlement
1	Gratuity	6,82,020/-	02.06.2021
2	Provident Fund	8,82,456/-	02.06.2021
3	Commuted Value of Pension	5,40,331/-	02.06.2021
4	Earned Leave Salary	4,44,842/-	02.06.2021
	Total	25,49,649/-	02.06.2021

5. According to the petitioner, the issues involved in the present writ petition are that the respondents had settled the aforesaid amount belatedly, after a delay of 13 months and the respondents have also not paid interest for the belated payment to the petitioner. Hence, the petitioner has made a representation to the concerned authorities to pay interest at the rate of 18 % per annum. The petitioner has 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 passed as follows in the present Writ Petition:-

6. Mr. J. Senthil Kumaraiah, Standing Counsel for Tamil Nadu State Transport Corporation (Madurai) Ltd, would submit that the respondents had settled the retirement benefit to the petitioner belatedly. Therefore, the petitioner is 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.



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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

To

1. The General Manager,
The Management of Tamil Nadu State
Transport Corporation (Madurai) Ltd,
Dindigul Region,
Dindigul.
2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

W.P. (MD) .No.13207 of 2021
02.08.2021

LS (CO)

LR (09.08.2021) 3P 3C