



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13341 of 2021

N.Udhayakumar

... Petitioner

Vs.

1. The Management of
Tamil Nadu State Express Transport
Corporation Ltd.,
Rep by its General Manager,
Pallavan Salai, Chennai -2

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, to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the period of delay from the petitioner's date of retirement (31.05.2018) to till the date of reimbursement (31.08.2019) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/ Sick leaves and Commuted Value of Pension, within a time frame as may be fixed by this Hon'ble Court, without affecting the petitioner's right to claim balance amounts towards those benefits.

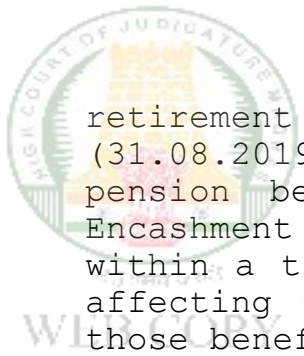
For Petitioner : Mr. R.Murugan

For Respondents : Mr. R.Rajamohan
Standing Counsel for R1

: Mr.A.Swaminathan for R2

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the period of delay from the petitioner's date of



retirement (31.05.2018) to till the date of reimbursement (31.08.2019) of amount paid towards the petitioner's terminal and pension benefits 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, without affecting the petitioner's right to claim balance amounts towards those benefits.

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 Selection Grade Senior Trades Man in the first respondent transport corporation. The petitioner retired from service on 31.05.2018. The respondents have settled the retirement benefits to the petitioner on 31.08.2019, a sum of Rs.8,63,058/- towards gratuity, a sum of Rs.4,16,930/- towards encashment of earned/sick leaves and a sum of Rs.7,55,098/- towards commuted value of pension.

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 1 year 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 6 % 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 to be in the present Writ Petition.

6. Mr.R.Rajamohan, learned Standing Counsel appearing for the first respondent 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 (AE)

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Sub Assistant Registrar(CS)

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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 General Manager,
The Management of
Tamil Nadu State Express Transport
Corporation Ltd.,
Pallavan Salai, Chennai -2
2. The Administrator.
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1 CC to M/s.R.MURUGAN, Advocate (SR-25110[F] dated 03/08/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-25136[F] dated 03/08/2021)

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03.08.2021

RK (11.08.2021) 3P 5C