



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13210 of 2021

W.P. COPY
S.Arumugam

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Madurai) Ltd,
Represented 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: Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing 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 to till the date on which the said benefits were settled to him.

For Petitioner	:	Mr.A.Rahul
For Respondents	:	Mr.J.Senthil Kumaraiah
		Standing Counsel (For R1).
		Mr.A.Swaminathan (For R2).

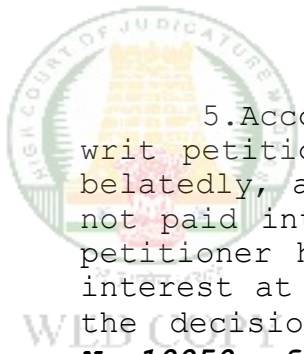
ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay interest at the rate of 6% per annum, for the period of delay from the petitioner's date of retirement (31.05.2019) to till the date of reimbursement (22.01.2021) 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.

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 Special Grade Driver in the respondents transport corporation. The petitioner retired from service on 31.05.2019. The respondents have settled the retirement benefits to the petitioner on 22.01.2021, a sum of Rs.5,09,313/- towards EPF Employees Contribution, a sum of Rs.8,64,295/- towards gratuity and a sum of Rs.6,76,444/- towards commuted value of pension and Rs.1,695/- towards encashment of earned/sick leaves.



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 more than 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. J. Senthil Kumaraiah, 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, subject to the condition that if the petitioner has not already given up his right for claiming interest for the retirement benefits.

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)

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.

+1CC to M/s. A. Rahul, Advocate (SR25026)

W.P. (MD) No.13210 of 2021

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