



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13923 of 2021

WEB COPY

S.Kumaradhas

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited, Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Ranithottam, Nagercoil-629 001,
Kanyakumari District.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai, Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the 12% interest for the belated payment of the petitioner retirement benefits i.e., Provident Fund, Gratuity, Commutation, Surrender Leave salary and all other retirement benefits from the date of retirement to the actual date of payment of retirement benefits to the petitioner and pay the same to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.R.Rajamohan

Standing Counsel for R1 and R2

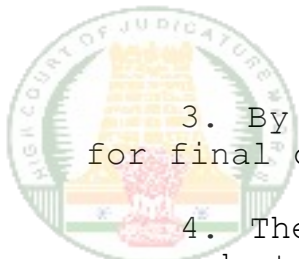
Mr.A.Swaminathan

Standing Counsel for R3

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay the 12% interest for the belated payment of the petitioner's retirement benefits i.e., Provident Fund, Gratuity, Commutation, Surrender Leave salary and all other retirement benefits from the date of retirement to the actual date of payment of retirement benefits to the petitioner.

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 Conductor in the first respondent transport corporation. He retired from service on 31.05.2019. The respondents have settled the retirement benefits to the petitioner on 21.01.2021, a sum of Rs.8,89,754/- towards gratuity, a sum of Rs.4,46,230/- towards surrender leave salary, a sum of Rs.8,06,545/- towards provident fund, a sum of Rs.7,42,843/- towards commutation and a sum of Rs.13,902/- towards earned surrender/earned leave salary.

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.R.Rajamohan, learned Standing Counsel appearing for the respondents 1 and 2 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.

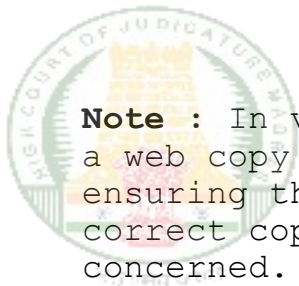
Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
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Kanyakumari District.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai, Chennai-600 002.

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-25974[F] dated 11/08/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-25990[F] dated 11/08/2021)

W.P (MD) No.13923 of 2021
10.08.2021

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