



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14145 of 2021

V.Jayakumar

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,

Rep. by its Managing Director,
Corporate Office,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam-612 001.

3.The Chief Financial Officer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Corporate office,
Kumbakonam-612 001.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

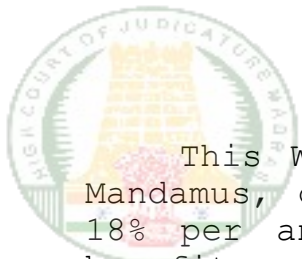
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the belated payment of retirement benefits including Provident Fund, Leave Salary and Gratuity amount Commuted value of pension within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.R.Palanisamy

For Respondents : Mr.D.Sivaraman,

Standing Counsel for RR1 to 3

Mr.A.Swaminathan, Standing counsel for R4



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 belated payment of petitioner's terminal benefits namely Provident Fund, Leave Salary and Gratuity amount and commuted value of pension within a time frame as may be fixed by this Court.

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 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 30.01.2021, a sum of Rs.3,30,572/- towards EPF Employees Contribution, a sum of Rs.46,697/- towards EL encashment and a sum of Rs.4,22,003/-/- towards Gratuity and a sum of Rs.3,47,162/- 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 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.D.Sivaraman, learned Standing Counsel appearing for the respondents 1 to 3 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 in the retirement benefits.



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.

To:

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Corporate Office,
Kumbakonam-612 001.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam-612 001.
- 3.The Chief Financial Officer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Corporate office,
Kumbakonam-612 001.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26130[F] dated 12/08/2021)
+1 CC to M/s.A.R.PALANISAMY, Advocate (SR-26165[F] dated 12/08/2021)

W.P (MD) No.14145 of 2021
11.08.2021

GC/25.08.2021/3P/7C