



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)Nos.14179 and 14180 of 2021

S. Duraipandi ... Petitioner in W.P(MD)Nos.14179 of 2019

M. Periyanan ... Petitioner in W.P(MD)Nos.14180 of 2019

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02. ... Respondents in
W.P(MD)Nos.14179 and 14180 of 2021

Prayer in W.P(MD)Nos.14179 and 14180 of 2021: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to pay the 6% interest on the delayed payment of retirement benefits paid to the petitioners in view of the petitioners' representations dated 28.04.2021 and 25.06.2021.

For Petitioners : Mr.Vijay Nivas.SP
For Respondents : Mr.D.Sivaraman,
Standing Counsel for R1.
Mr.A.Swaminathan
Standing Counsel for R2

COMMON ORDER

These Writ Petitions have been filed for the issue of a Writ of Mandamus, directing the respondents to pay the 6% interest on the delayed payment of retirement benefits paid to the petitioners in view of the petitioners' representation dated 28.04.2021 and 25.06.2021.

2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.



3. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

4. The petitioners are retired employees of the first respondent transport corporation. The petitioners retired from service on 30.06.2019. The respondents have settled the retirement benefits to the petitioners only in the month of February 2021.

5. According to the petitioners, the issues involved in the present writ petitions 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 petitioners have made a representations to the concerned authorities to pay interest at the rate of 6 % per annum. The petitioners have 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 Petitions.

6. Mr.D.Sivaraman, learned Standing Counsel appearing for the first respondent and Mr.A.Swaminathan, learned Standing Counsel appearing for the second respondent would submit that the respondents had settled the retirement benefit to the petitioner belatedly. Therefore, the petitioners are 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 petitioners have not already given up their right for claiming interest in the retirement benefits.

8. With the above direction, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (Records)

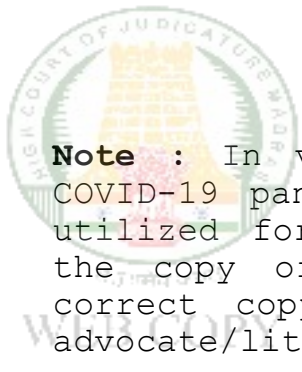
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/ /2021

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 Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

+2 CC to MR.D.SIVARAMAN, Advocate (SR-26149[F] & SR-26150[F]dated
12/08/2021)

**W.P(MD)Nos.14179 and 14180 of 2021
12.08.2021**

MGJ(19.08.2021) 3P 5C