



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)Nos.14217 to 14228 of 2021

- | | |
|----------------------|---|
| 1. S.Manisekaran | ... Petitioner in W.P.(MD) No.14217 of 2021 |
| 2. J.Manoharan | ... Petitioner in W.P.(MD) No.14218 of 2021 |
| 3. P.Anbalagan | ... Petitioner in W.P.(MD) No.14219 of 2021 |
| 4. C.Rajaram | ... Petitioner in W.P.(MD) No.14220 of 2021 |
| 5. S.Jothiramalingam | ... Petitioner in W.P.(MD) No.14221 of 2021 |
| 6. M.Balasubramanian | ... Petitioner in W.P.(MD) No.14222 of 2021 |
| 7. S.Saimohan | ... Petitioner in W.P.(MD) No.14223 of 2021 |
| 8. L.Subramanian | ... Petitioner in W.P.(MD) No.14224 of 2021 |
| 9. E.Rajendran | ... Petitioner in W.P.(MD) No.14225 of 2021 |
| 10. N.Nagarajan | ... Petitioner in W.P.(MD) No.14226 of 2021 |
| 11. K.Rajasekar | ... Petitioner in W.P.(MD) No.14227 of 2021 |
| 12. S.Kamaraj | ... Petitioner in W.P.(MD) No.14228 of 2021 |

Vs.

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
Kumbakonam - 612 001. ...1st Respondent in WP(MD).Nos.14217 to 14212&14224 to 14228/21 and 3rd Respondent in WP 14223 of 2021
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam - 612 001.2nd Respondent in WP(MD).Nos.14217 to 14222 &14224 to 14228 of 2021 and 4th Respondent in WP(MD).No.14223 of 2021
3. The Chief Financial Officer,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
Kumbakonam - 612 001. ... Respondents in WP(MD).No.14217 to 14222 &14224 to 14228 of 2021 and 2nd respondent in WP(MD).No.14223 of 2021
4. The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust,
<https://hcservices.ecourts.gov.in/hcservices/>



Thiruvallurvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents in W.P(MD) Nos. 14217,
14218, 14221, 14223, 14225 and 14226 of 2021)
and 3rd respondent in WP(MD).No.14228 of 2021

WEB COPY

5. The Metropolitan Transport Corporation
(Chennai) Limited ,
Rep. by its Managing Director,
Pallavan House, Anna Salai
Chennai - 600 002.

... 1st Respondent in W.P(MD) No.14223
of 2021

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to pay the interest at the rate of 18% per annum for the belated payment of retirement benefits including, Provident Fund, Leave Salary, Gratuity and Commuted Value pension amount within the time limit that may be fixed by this Hon'ble Court.

For Petitioner : Mr.A.R.Palani Samy
(in All Writ Petitions)
For Respondents 1 to 3 : Mr.D.Sivaraman
Standing Counsel for RR1 to 3
(In all Writ Petitions)
: Mr.A.Swaminathan
Standing Counsel for
(in W.P.(MD) Nos.14217, 14218,
14221, 14223, 14225 &
14226 of 2021) for R4

COMMON ORDER

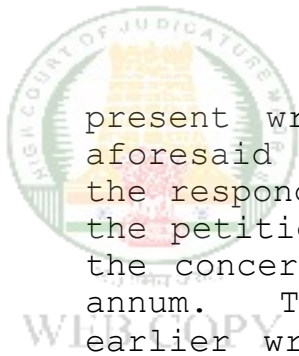
These Writ Petitions have been filed for the issue of a Writ of Mandamus, directing the respondents to pay 18 % interest on the delayed payment of retirement benefits paid to the petitioners in view of their representations

2.Heard the learned counsel appearing for the petitioner 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 the retired employees of the first respondent transport corporation. The respondents have settled the retirement benefits to the petitioners belatedly.

5. According to the petitioners, the issues involved in the



present writ petitions are that the respondent had settled the aforesaid amount belatedly, after a delay of more than 1 year and the respondent has 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 18 % 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 Petitions.

6. Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents would submit that the respondents had settled the retirement benefit to the petitioners 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 his right for claiming interest in the retirement benefits.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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

<https://hcservices.ecourts.gov.in/hcservices/>



(Kumbakonam) Limited,
Corporate Office,
Kumbakonam - 612 001.

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

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

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

5. The Metropolitan Transport Corporation
(Chennai) Limited ,
Rep. by its Managing Director,
Pallavan House, Anna Salai
Chennai - 600 002.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26139[F] dated 12/08/2021)

+1 CC to M/s.A.R.PALANISAMY, Advocate (SR-26168[F] dated 12/08/2021)

W.P(MD)Nos.14217 to 14228 of 2021
12.08.2021

ES(CO)
KB(24.08.2021) 4P 8C