



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.14420 of 2021

K.Santha Valiyan

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road, Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Karaikudi Region, Managiri Post, Maruthapathi,
Karaikudi, Sivagangai District.

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

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse interest at the rate of 6% for the belated payment of retirement benefits, Gratuity, Provident Fund, Leave Salary and Commutation.

For Petitioner : Mr.K.Gokul
For R-1 and R2 : Mr.D.Sivaraman
For R-3 : Mr.A.Swaminathan

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to disburse interest at the rate of 6% for the belated payment of retirement benefits namely Gratuity, Provident Fund, Leave Salary and Commutation.

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 is a retired employee of the first respondent transport corporation. The petitioner retired from service on 31.01.2020. The respondents have settled the retirement benefits to



the petitioner only on 02.06.2021.

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 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 & 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, 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 (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road, Kumbakonam - 612 001.



2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Karaikudi Region, Managiri Post, Maruthapathi,
Karaikudi, Sivagangai District.

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

+1 CC to M/s.K.GOKUL, Advocate (SR-26424[F] dated 16/08/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26465[F] dated 16/08/2021)

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13.08.2021

RS (23.08.2021) 3P 6C