



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14443 of 2021

WEB COPY

T.Chirstopher Raj

... Petitioner

vs.

1.The Tamil Nadu State Transport  
Corporation (Tirunelveli) Limited,  
Tirunelveli Division,  
represented by its Managing Director,  
Kattapomman Nagar, V.M.Chathiram,  
Tirunelveli.

2.The Tamil Nadu State Transport  
Corporation (Tirunelveli) Limited,  
Nagercoil Region,  
represented by its General Manager,  
Ranithottam, Nagercoil.

... Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay interest at the rate of 18% per annum for the period of delay from the petitioner's date of retirement (29.02.2020) to till the date of reimbursement (02.06.2021) of amount paid towards the petitioner's terminal and pension benefits, namely, EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension within a time frame as may be fixed by this Court without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.R.Murugan  
For Respondents : Mr.R.Rajamohan  
Standing Counsel

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### **O R D E R**

This petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to pay interest at the rate of 18% per annum for the period of delay from the petitioner's date of retirement (29.02.2020) to till the date of reimbursement (02.06.2021) of amount paid towards the petitioner's terminal and pension benefits, namely, EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension within a time frame as may be fixed by this Court without affecting the petitioner's right to claim balance amounts towards those benefits.

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 29.02.2020. 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.R.Rajamohan, 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)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Tirunelveli) Limited,  
Tirunelveli Division,  
Kattapomman Nagar, V.M.Chathiram,  
Tirunelveli.

+1 CC to M/s.R.MURUGAN, Advocate ( SR-26298[F] dated 13/08/2021 )

+1 CC to M/s.R.RAJAMOHAN, Advocate ( SR-26320[F] dated 13/08/2021 )

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RD(23.08.2021) 3P 4C