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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.08.2021
CORAM
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
W.P.(MD) No. 15114 of 2021

R.Thirupathi Vasu ... Petitioner

Vs.

The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Represented by its Managing Director
Madurai. ... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of ***Writ of Mandamus***, directing the respondent to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity, Terminal Leave Salary and Provident Fund from the date of petitioner's retirement to till the date on which the said benefits were settled to him.

For Petitioner : Mr.A.Rahul.
For Respondent : Mr.J.Senthil Kumaraiah,
Standing Counsel

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondent to pay 6% interest on the delayed payment of retirement benefits paid to the petitioner in view of the petitioner's representation dated 09.07.2021.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

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 respondent transport corporation. The petitioner retired from service on 31.03.2020. The respondent had settled the retirement benefits to the petitioner only in the month of June 2021.

5.According to the petitioner, the issues involved in the present writ petition are that the respondent had settled the aforesaid amount belatedly, after a delay of more than 1 year and the respondent had 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

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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.J.Senthil Kumaraiah,** learned Standing Counsel appearing for the respondent would submit that the respondent 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 2020.

7.In the light of the above observations and with the consent of both parties, there shall be a direction to the respondent 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 for the retirement benefits.

8.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a may be utilized for official purposes, but, ensuring that the c is presented is the correct copy, shall be the res advocate/litigant concerned.

To

The Managing Director,
The Tamil Nadu State Transport,
Corporation (Madurai) Ltd.,
Madurai.

+1 CC to M/s.A.RAHUL, Advocate (SR-27463[F] dated 26/08/2021)

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