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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.15241 of 2021

P.Thiraviyam ... Petitioner

Vs.

1.The General Manager,
The Tamil nadu State Transport
Corporation(Madurai) Ltd.,
Dindigul Region,
Dindigul District.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002 ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum for the period of delay from 31.05.2018 to 21.09.2019 in paying the amounts towards terminal benefits.

For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.J.Senthil Kumaraiah

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to disburse interest at the rate of 18% for the belated payment of retirement benefits from 31.05.2018 to 21.09.2019 in paying the amounts towards terminal benefits.

2. Heard the learned counsel appearing for the petitioner and the learned 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.

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4. The petitioner is a retired employee of the first respondent transport corporation. The petitioner retired from service on 31.05.2018. The respondents have settled the retirement benefits to the petitioner only on 21.09.2019.

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.J.Senthil Kumaraiah, learned 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 2020.

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 (T&P)

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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.

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Dindigul District.

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+1 CC to M/s.G.M.XAVIER, Advocate (SR-27727[F] dated 31/08/2021)

W.P(MD)No.15241 of 2021
26.08.2021

MGJ(06.09.2021) 3P 4C

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