



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.09.2021**

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.15705 of 2021

S.Thiyagarajan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
 - 3.The General Manager,
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Periyamilagupaarai,
Trichy Region, Tiruchirappalli District.
 - 4.The Administrator,
Tamil Nadu State Transport Corporation Employees' Pension Trust,
Thiruvalluvar House,
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 settle the interest for the belated payment of retirement benefits such as gratuity, earned leave, medical leave, commutation of pension, provident fund and other retirement benefits payable to the petitioner with 18% rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.K.Manickam,
Standing Counsel for R1
Mr.D.Sivaraman,
Standing Counsel for R2 & R3
Mr.A.Swaminathan for R4

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits such as gratuity, earned



leave, medical leave, commutation of pension, provident fund and other retirement benefits payable to the petitioner with 18% rate of interest.

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 was a Foreman in the respondents transport corporation. The petitioner retired from service on 31.05.2019. The respondents have settled the retirement benefits to the petitioner on 30.01.2021, a sum of Rs.4,93,920/- towards gratuity, a sum of Rs.2,94,467/- towards earned leave and a sum of Rs.5,33,465/- towards provident fund.

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 two years 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. The learned Standing Counsel appearing for the respondents 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 (CS I)

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/ /2021

Sub Assistant Registrar(CS)

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 Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
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4. The Administrator,
Tamil Nadu State Transport Corporation Employees' Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-27995[F] dated 02/09/2021)

+1 CC to The Special Government Pleader (SR-28044)

W.P (MD) No.15705 of 2021
02.09.2021

RS (14.09.2021) 3P 7C