



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 16366 of 2021

WEB COPY

S.Sivasankaravadivel

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
Kumbakonam Region,
27, New Railway Station Road,
Kumbakonam - 612 001.

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

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of **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 within a time limit as fixed by this Hon'ble Court.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.D.Sivaraman,
Standing Counsel for R1 & R2.
Mr.A.Swaminathan,
Standing Counsel for R3.

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 31.05.2019. The respondents have settled the retirement benefits to the petitioner only in the month of January 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 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 (W)

// True Copy //

/ /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.



To

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Chennai 2.

+1 CC to M/s.K.GOKUL, Advocate (SR-29176[F] dated 15/09/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-28922[F] dated 14/09/2021)

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