



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 16742 of 2021

V.Sadasivam

... Petitioner

Vs.

1.The Management of

Tamil Nadu State Express Transport Corporation Ltd.,
Rep. by its General Manager,
Pallavan Salai,
Chennai-2.

2.The Administrator,

Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issue of a **Writ of Mandamus**, directing the respondents to pay interest at the rate of 12% per annum, for the period of delay from the petitioner's date of retirement (30.04.2019) to till the date of reimbursement (22.01.2021) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated 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 for R1.
Mr.A.Swaminathan,
Standing Counsel for R2.

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay 12% interest on the delayed payment of retirement benefits paid to the petitioner in view of the petitioner's representation dated 21.08.2021.

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 30.04.2019. The respondents have settled the retirement benefits to the petitioner only in the month of January 2021.

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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 more than 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 12% 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 04.01.2020, 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 first respondent, and Mr.A.Swaminathan, learned Standing Counsel appearing for the second respondent, 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 for the retirement benefits.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



btr/mnr

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 General Manager,
The Management of
Tamil Nadu State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai-2.
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

+1 CC to M/s.R.MURUGAN, Advocate (SR-29353[F] dated 16/09/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29363[F] dated 16/09/2021)

W.P. (MD) .No.16742 of 2021
16.09.2021

PS (CO)
KB (27.09.2021) 3P 5C