



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.16883 of 2021

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D.Daniel Barnapass

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,
K.T.C. Nagar,
Thirunelveli,
Thirunelveli District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,
K.T.C. Nagar,
Thirunelveli,
Thirunelveli District.
- 4.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund 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 petitioners with 18% rate of interest.

For Petitioner : Mr.Sudhagar Nagaraj
For Respondents : Mr.A.K.Manikkam for R1
Standing Counsel
Mr.R.Rajamohan for R2 & R3
Standing Counsel
Mr.A.Swaminathan for R4
Standing Counsel



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to disburse interest at the rate of 18% for the belated payment of retirement benefits namely Gratuity, Earned Leave, Medical Leave, Commutation of Pension, Provident Fund and other retirement benefits payable to the petitioner.

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 respondent transport corporation. The petitioner retired from service on 30.04.2020. The respondents have 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 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 18 % 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.A.K.Manikkam, learned Standing Counsel appearing for the first 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 in the retirement benefits.



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

Sd/-

Assistant Registrar (Records)

WEB COPY // 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

- 1.The Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Secretariat,Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,
K.T.C. Nagar,
Thirunelveli,Thirunelveli District.
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- 4.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,Chennai - 600 002.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29678[F] dated 20/09/2021)

+1 CC to SPL. GOVERNMENT PLEADER(SR-29845)

W.P (MD) No.16883 of 2021
20.09.2021

MGJ(05.10.2021) 3P 7C