



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.17171 of 2021

V.Duraikannu

... Petitioner

vs.

1.The Management of
Tamil Nadu State Express Transport Corporation (Tamilnadu)
Ltd,

Represented by its Managing Director,
Pallavan Salai, Chennai - 2.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-600 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the petitioner interest at the rate of 6% per annum, for the period of delay from 01.04.2020 to 01.06.2021, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.R.Rajmohan

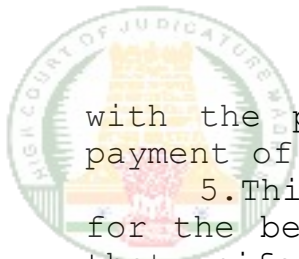
O R D E R

This Writ Petition is filed to direct the respondents to pay 6% interest for the belated payment of terminal and pension benefits of the petitioner, namely, EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension payable to the petitioner from 01.04.2020 to 01.06.2021.

2.Heard Mr.S.Arunachalam, learned Counsel for the petitioner and Mr.R.Rajmohan, learned Standing Counsel for the respondents.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is a retired employee of the first respondent Transport Corporation. It is stated by the petitioner that he retired from service on attaining the age of superannuation. Though terminal benefits payable to petitioner was settled, it is stated that there is a long delay. Hence, the petitioner has come forward



with the present Writ Petition claiming interest for the belated payment of retirement benefits.

5.This Court, in similar circumstances, has awarded interest for the belated payment of terminal benefits. It is also admitted that uniformly, this Court has fixed the rate of interest at 6% per annum for the belated payment of terminal benefits. The learned Standing Counsel appearing for the respondent Corporation submitted that the payment of interest may be directed to be settled to the petitioner in six equal monthly instalments commencing from 05th of November 2021.

6.In view of the above, this Writ Petition is disposed of with the direction to the first respondent to pay interest at the rate of 6% per annum for the belated payment of retirement benefits for the period from the date when the amount falls due till the date of actual disbursement. The respondents shall calculate the interest forthwith and disburse the entire amount payable in six equal monthly instalments commencing from 05.11.2021. The entire payment should be completed before 05.04.2022. If there is any further delay in payment of interest, the interest will be at 8% per annum and it is also open to the petitioner to approach this Court for higher rate of interest, in case, the dues are not settled within one year from this date. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr/tmg

To

1.The Managing Director,
The Management of
Tamil Nadu State Express Transport Corporation (Tamilnadu) Ltd,
Represented by its,
Pallavan Salai, Chennai - 2.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-600 002

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29948[F] dated 22/09/2021)
W.P.(MD) No.17171 of 2021
22.09.2021

MGJ(06.10.2021) 2P 4C