



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 18114 of 2021

S.Hari Kumar

... Petitioner

Vs.

1. The General Manager,  
The Tamilnadu State Transport Corporation,  
Tirunelveli Ltd.,  
Nagercoil Region, Ranithottam,  
Kanyakumari District.

2. The Administrator,  
Tamilnadu State Transport Employees  
Pension Fund Trust,  
Thiruvalluvar Iliam,  
Anna 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 pay interest at the rate of 18% per annum, for the period from 31.03.2018 to 03.11.2018 in paying the amounts paid towards petitioner terminal and pension benefits namely Gratuity, EPF, Earn Leave Salary and Surrender Leave Salary and Commutation of pension within a time frame as may be fixed by this Court and without affecting the petitioner's right to claim balance amount towards those benefits.

|                |   |                  |
|----------------|---|------------------|
| For Petitioner | : | Mr.S.Sivanesan   |
| For R1         | : | Mr.R.Rajamohan   |
|                |   | Standing Counsel |
| For R2         | : | Mr.A.Swaminathan |
|                |   | Standing Counsel |

### O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay interest at the rate of 18% per annum, for the period from 31.03.2018 to 03.11.2018 in paying the amounts paid towards petitioner terminal and pension benefits namely Gratuity, EPF, Earn Leave Salary and Surrender Leave Salary and Commutation of pension within a time frame as may be fixed by this Court and without affecting the petitioner's right to claim balance amount towards those benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>



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 respondents transport corporation. The petitioner retired from service on 31.03.2018. The respondents have settled the retirement benefits to the petitioner only on 03.11.2018.

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 8 months 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.R.Rajamohan, learned Standing Counsel appearing for the first respondent, would submit that the respondent 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 respondent 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.

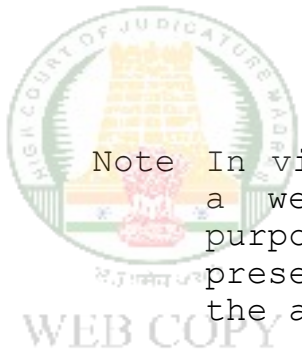
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /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 General Manager,  
The Tamilnadu State Transport Corporation,  
Tirunelveli Ltd.,  
Nagercoil Region, Ranithottam,  
Kanyakumari District.
2. The Administrator,  
Tamilnadu State Transport Employees Pension Fund Trust,  
Thiruvalluvar Iiam,  
Anna Salai,  
Chennai - 2

+1 CC to M/s.R.RAJAMOHAN, Advocate ( SR-31284[F] dated 05/10/2021 )

+1 CC to M/s.S.SIVANESAN, Advocate ( SR-31310[F] dated 06/10/2021 )

W.P. (MD) .No.18114 of 2021  
05.10.2021

DJ(CO)  
KB(20.10.2021) 3P 5C