



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 18380 of 2021

K.Madhusoodhann Nair

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation Ltd,
Rep. by it's Managing Director,
Thirunelveli Division, K.T.C. Nagar,
Palaymkottai,
Thirunelveli - 627 003.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd,
Nagercoil Region, Rani Thottami,
Nagercoil,Kanyakumari - 629 001.

3.The Administrator,
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of **Writ of Mandamus**, directing the respondents to pay 6% interest for the belated payment of terminal benefits of P.F., Gratuity and Unavailed Leave salary, and Commutation, payable to the Petitioner from the date of his retirement i.e. 31.12.2019 to till the date of actual payment made to him i.e. 25.01.2021 and all other attendant benefits to him within the stipulated period and to pass such other or further orders as this Court.

For Petitioner	:	Mr.A.K.Thangavelu
For Respondents	:	Mr.R.Rajamohan, 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 pay 6% interest on the delayed payment of retirement benefits paid to the petitioner in view of the petitioner's representation dated 23.09.2021.



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.

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4. The petitioner is a retired employee of the first respondent transport corporation. The petitioner retired from service on 31.12.2019. The respondents have settled the retirement benefits on 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 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 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 04.01.2020, 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 and second respondents. Mr.A.Swaminathan, learned Standing Counsel appearing for the third 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. The writ petition stands allowed. No costs.

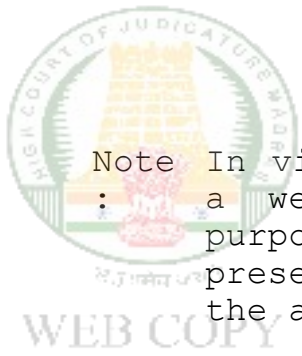
Sd/-

Assistant Registrar (AD II)

// 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 Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Thirunelveli Division, K.T.C. Nagar,
Palaymkottai,
Thirunelveli - 627 003.
- 2.The General Manager,
Tamil Nadu State Transport Corporation Ltd,
Nagercoil Region, Rani Thottami,
Nagercoil,
Kanyakumari - 629 001.
- 3.The Administrator,
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.A.K.THANGAVELU, Advocate(SR-31828[F] dated 08/10/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-31852[F] dated 08/10/2021)

W.P. (MD) .No.18380 of 2021

08.10.2021

MGJ(26.10.2021) 3P 6C