



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.18944 of 2021

D.Sundara Raj

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay interest at the rate of 18% per annum, for the period from 31.07.2019 to 22.01.2021 in paying the amounts paid towards his terminal and pension benefits namely Gratuity, EPF, Earn Leave Salary and Surrender Leave Salary within a time frame as may be fixed by this Court and without affecting his right to the claim balance amounts towards those benefits.

For Petitioner : Mr.S.Sivanesan
For Respondent : Mr.R.Rajamohan,
Standing Counsel.

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to pay interest at the rate of 18% per annum, for the period from 31.07.2019 to 22.01.2021 in paying the amounts paid towards the petitioner's terminal and pension benefits namely Gratuity, EPF, Earn Leave Salary and Surrender Leave Salary within a time frame as may be fixed by this Court and without affecting his right to the claim balance amounts towards those benefits..

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

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 31.07.2019. The respondent has settled the retirement benefits to the petitioner only in the month of January 2021.

5. According to the petitioner, the issues involved in the present writ petition are that the respondent had settled the aforesaid amount belatedly, after a delay of 1 year and the respondent has 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 respondent, would submit that the respondent had settled the retirement benefits 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 in the retirement benefits.

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

Sd/-

Assistant Registrar (AE)

// 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

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-32453[F] dated 25/10/2021)

+1 CC to M/s.S.SIVANESAN, Advocate (SR-32475[F] dated 25/10/2021)

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25.10.2021

RD/JGB(02.11.2021) 3P 4C