



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.19066 of 2021

P.Kirthivasan,
S/o.N.Perumal,
Selection Grade Senior Conductor (Retd),
Staff No.5122,
The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Kumbakonam Branch,

Residing at:

121 / 85, Thambikunallan Pattinam,
Kilananjilnadu,
Mayiladudurai - 609 001.

... Petitioner

Vs.

The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai - 02.

... 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 settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity, Provident Fund and Terminal Leave Salary from the date of his retirement to till the date on which the said benefits were settled to him.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.R.Rajamohan,
Standing Counsel.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondent to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity, Provident Fund and Terminal Leave Salary from the date of his retirement to till the date on which the said benefits were settled to him.

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 30.06.2018. The respondent has settled the retirement benefits to the petitioner only in the month of September 2019.

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 TNSC (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 (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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



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 Managing Director,
The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai - 02.

+1 CC to M/s.A.RAHUL, Advocate (SR-32772[F] dated 27/10/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-32644[F] dated 26/10/2021)

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26.10.2021

MGJ/UV(10.11.2021) 3P 4C