



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.19322 of 2021

K.V.Dhivakaran

... Petitioner

-vs-

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Division
rep.by its Managing Director
Kattapomman Nagar
V.M.Chathiram, Tirunelveli

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region
rep.by its General Manager
Ranithottam, Nagercoil

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to pay interest at the rate of 12% per annum for the period of delay from the petitioner's date of retirement (31.08.2018) to till the date of reimbursement (21.09.2019) of amount paid towards the petitioner's terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted value of Pension, within a time stipulated by this Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.Murugan.R.

For Respondents : Mr.R.Raja Mohan
Standing Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to pay interest at the rate of 12% per annum for the period of delay i.e.from 31.08.2018 to 21.09.2019 in paying the petitioner's terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and other monetary benefits etc., within a time stipulated by this Court and without affecting the petitioner's right to claim balance amounts towards those benefits.



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

3. The petitioner is a retired employee of the respondent Transport Corporation. He retired from service on 31.08.2018. The respondents have settled the retirement benefits to the petitioner only in the month of September, 2019.

4. According to the petitioner, the issue involved in the present writ petition is that the respondents have settled the aforesaid amount belatedly, after a delay of more than one year and they 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 12% 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 decision, 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.

5. The learned Standing Counsel appearing for respondents would submit that the respondents have settled the retirement benefits to the petitioner belatedly. Therefore, the petitioner is entitled for interest as decided in the earlier writ petition of this Court in W.P.(MD).No.19950 of 2020.

6. 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.

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

Sd/-

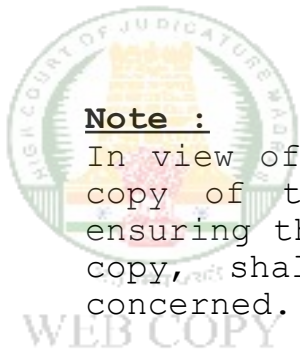
Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk/dn



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 Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Division
rep.by its Managing Director
Kattapomman Nagar
V.M.Chathiram, Tirunelveli

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region
rep.by its General Manager
Ranithottam, Nagercoil

+1 CC to M/s.R. MURUGAN, Advocate (SR-33113[F] dated 28/10/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-32989[F] dated 28/10/2021)

W.P. (MD) No.19322 of 2021

28.10.2021

RD/PM (15.11.2021) 3P 5C