



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.19288 of 2021

R.Muthusamy

... Petitioner

-vs-

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
rep.by its Managing Director
Tirunelveli

2.The General Manager
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Region
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Provident Fund, Gratuity 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.Rahul.A.

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

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 31.03.2018. The respondents have settled the retirement benefits to the petitioner only in the month of November, 2018.



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 six months 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 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 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. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

// 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 Managing Director
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli

2.The General Manager
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Region
Tirunelveli

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-32985[F] dated 28/10/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-33413[F] dated 01/11/2021)

W.P. (MD) No.19288 of 2021

28.10.2021

MGJ/SKN(17.11.2021) 3P 5C