



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.19586 of 2021

WEB COPY

S.Vala Subramaniyan

... Petitioner

-vs-

The Management of
Tamilnadu State Transport Corporation
(Thirunelveli) Ltd.,
Thirunelveli Region
rep.by its General Manager
Thirunelveli

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to pay the petitioner interest at the rate of 6% per annum for the period of delay from 01.11.2019 to 24.01.2021 in paying the amounts paid towards the petitioner's terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time stipulated by this Court and without affecting his right to claim balance amount towards those benefits.

For Petitioner : Mr.Arunachalam.S.
For Respondent : Mr.R.Rajamohan
Standing Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondent to pay interest at the rate of 6% per annum for the delay period i.e. from 01.11.2019 to 24.01.2021 in paying the petitioner's terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned/Sick Leaves within a time stipulated by this Court and without affecting his right to claim balance amount towards those benefits.

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

3. The petitioner is a retired employee of the respondent Transport Corporation. He retired from service on 31.10.2019. The respondent has settled the retirement benefits to the petitioner only in the month of January, 2021.



4. According to the petitioner, the issue involved in the present writ petition is that the respondent has 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 for the belated payment. 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 respondent would submit that the respondent has 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 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 for the retirement benefits.

7. Accordingly, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk/mnr

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.



W.P.(MD) No.19586 of 2021

To
The General Manager
The Management of Tamilnadu State Transport Corporation
(Thirunelveli) Ltd.,
Thirunelveli Region,
Thirunelveli.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-33435[F] dated
01/11/2021)

W.P. (MD) No.19586 of 2021
01.11.2021

RK/PM(18/11/2021) 3P 3C