

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.269 of 2022

R.Balasekaran

..Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department, Fort St. George,
Chennai-9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002.
3. Tamil Nadu State Transport Corporations,
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluar Illam, Pallavan Salai,
Chennai 600 002.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 22.12.2021, within a time to be stipulated by this court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.S.M.Hasam Fizal,
Addl.Gov.Pleader,for R1 and R2

Mr.C.S.K.Sathish for R3

O R D E R

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 22.12.2021, within a time to be stipulated by this court.

2.Heard the learned counsel appearing for the petitioner and the learned Counsels appearing for the respondents.

3.The petitioner was worked as Driver under the respondent Transport Corporation and retired from service on attaining the age of superannuation as early as on 30.06.2018. However, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 22.12.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioner belatedly. Despite the petitioner made a representation dated 22.12.2021 to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid same. He has also relied on the decision of the Hon'ble Division Bench of this Court in W.A.(MD) No.383 to 457 of 2015, dated 12.06.2015 wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits. On the same line, orders may be issued in the present writ petition.

5.The learned Standing Counsel appearing for respondents fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioner belatedly. He also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.

6.In view of the above submissions and with the consent of both parties, there shall be a direction to the respondents to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, 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. It is also made clear that in default, the respondent-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioner.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Principal Secretary,
The State of Tamil Nadu,
Transport Department, Fort St. George,
Chennai-9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporations,
Employees' Pension Fund Trust,
Thiruvalluar Illam, Pallavan Salai,
Chennai 600 002.

+1cc to M/s.L.Chandrakumar, Advocate, S.R.No.2179
+1cc to M/s.L.S.M.Hasam Fizal, Advocate, S.R.No.2210
+1cc to the Government Pleader, S.R.No.3020

W.P.No.269 of 2022

PMK(CO)
RGA(16/02/2022)