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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.552 of 2022

1. K.Thirumaran
S/o.Kannaiyan,
2. S.Arumugam
S/o.Subbiah,
3. D. Rajendran,
S/o.Durai Samy,
4. M.Sankaranarayanan
S/o.K.S.Muthu,

... Petitioners

Vs.

1. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd,
2, Pallavan Illam,
Anna Salai
Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents to pay interest @ 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and commutation of pension amount to the petitioners and to pay such other order.

For petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.M.K.Moorthy for R1

: Mr.C.S.K.Sathish for R2



ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 10% per annum for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of pension.

2. Heard the learned Counsel appearing for the petitioners and the learned Counsels appearing for the respondents.

3. The petitioners were working as Junior Engineers and Conductor under the respondent Transport Corporation and they retired from service on attaining the age of superannuation during the year 2019. At the time of retirement, they were holding the post of Senior Assistant Engineers. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made representation on 20.12.2021 to pay interest for the belated payment, but the respondents neither given reply nor pay interest. 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 petitioners, without any interest and despite request made by them, the respondents did not pay interest for the belated payment of retirement benefits. He has also relied on a 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 petitioners belatedly. He also submitted that the petitioners are 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 petitioners, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioners have not already given up their 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 petitioners.



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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd,
2, Pallavan Illam,
Anna Salai
Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

W.P.No.552 of 2022

GPL (CO)
SU(08/02/2022)