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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.598 of 2022

and

WMP No.652 of 2022

1. P.Thirukkamu
2. M.Ramamurthi
3. N.Ravi
4. S.Ravichanderan
5. K.Pandiyan
6. A.Kanniappan
7. K.Nallathambi
8. A.Radhakrishnan
9. P.Iyyamperumal
10. T.Pandiyan
11. M.Mani
12. P.Rajendran
13. T.Murugaiyan
14. C.Ravichandran
15. RJayachanderan

..Petitioners

vs.

1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram,
Villupuram District - 605 401.
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 praying for issuance of a Writ of Mandamus, directing the respondents to pay interest @ 10 % for the belated payment of gratuity, Leave Salary, Employees Provident Fund and commutation of pension amount to the petitioners.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.G.Saravanakumar



for R1
Mr.C.S.K.Sathish for R2

O R D E R

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This Writ Petition is filed seeking a direction to the respondents to pay interest @ 10 % for the belated payment of gratuity, Leave Salary, Employees Provident Fund and Commutation.

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

3. It is the case of the petitioners that the petitioners were working as Conductors and Drivers under the respondent Transport Corporation and after rendering 25 to 30 years of continuous service, they retired from service on attaining the age of superannuation in the years 2018 and 2019. However, the respondents have settled the retirement benefits belatedly, without any interest. In this connection, the petitioners made representations before the authority concerned between January 2020 and March 2021 to pay interest. However, the respondents have not considered the same yet. Hence, this writ petition has been filed.

4.The learned counsel appearing for the petitioners submitted that, the respondents have settled the retirement benefits to the petitioners belatedly. Despite submitting representations to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. The learned counsel 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 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 interest amount at the rate of 6% per annum to the petitioners.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram,
Villupuram District - 605 401.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.3825

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.3760

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SRA(CO)
RGA(09/02/2022)