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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2184 of 2022

1.B.Kannan  
2.P.Gnanamani  
3.G.Pakkirisamy  
4.G.Gunasekar  
5.M.Krishnamurthi  
6.N.Murugan  
7.P.Vijayakumar  
8.P.Pandiyan  
9.V.Harikrishnan  
10.R.Thangamani  
11.K.Chandrababu  
12.J.Karunanedhi  
13.P.Sivakumar

.. Petitioners

vs.

1.The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,  
Cuddalore Region,  
No.2, Imperial Road,  
Cuddalore-607 002.

2.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust,  
No.2, 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 the petitioner interest at the rate of 10% per annum for the belated payment of the Gratuity, Earned Leave Salary and Commutation of Pension Amount and Provident Fund, within a specified time.

For Petitioners : Mr.S.T.Varadharajalu

For Respondents : Mr.G.Saravanakumar  
Standing Counsel



## O R D E R

The relief sought for in the writ petition is for a Mandamus directing the respondents to pay the petitioners, interest at the rate of 10% per annum for the belated payment of the Gratuity, Earned Leave Salary and Commutation of Pension Amount and Provident Fund, within a specified time.

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

3. The petitioners worked under the respondent Transport Corporation as Conductors and Drivers and they retired from service on attaining superannuation during the years 2018 and 2020, after rendering service of nearly 24 to 30 years.

4. According to the petitioners, the respondents have settled their retirement benefits belatedly after 10 to 14 months and they have also not paid interest for the said belated payment to the petitioners. Hence, the petitioners has made representations to the authorities concerned to pay interest for belated payment. The petitioners have also relied on a Division Bench decision of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Division Bench of this Court has fixed interest at the rate of 6% per annum for the belated payment of retirement benefits and on the same line, orders may be passed 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 and further 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 the penal interest at the rate of 4% 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 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 pay interest 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 IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,  
Cuddalore Region, No.2, Imperial Road, Cuddalore-607 002.
2. The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust, No.2,  
Pallavan Salai, Chennai-600 002.

+lcc to Mr.G.Saravanakumar, Advocate, S.R.No.8619  
+lcc to Mr.S.T.Varadharajalu, Advocate, S.R.No.8752

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SSN(CO)  
CT 17/02/2022