



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.2870 and 2872 of 2022

K.Duraisamy ... Petitioner in W.P.No.2870 of 2022

K.Kannan ... Petitioner in W.P.No.2872 of 2022

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
12, Ramakrishna Road,
Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

... Respondents in both W.Ps

Prayer in W.P.No.2870 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse Labour Welfare Fund, IRTT amount and interest at the rate of 6% per annum for the belated payment of Gratuity, Provident Fund and Commutation from the date of my retirement i.e 26.02.2019 till the date of realization to the petitioner within the stipulated time to be fixed by this Court.

Prayer in W.P.No.2872 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse Labour Welfare Fund, IRTT amount and interest at the rate of 6% per annum for the belated payment of Gratuity, Provident Fund and Commutation and Leave surrender from the date of my retirement i.e 30.06.2018, till the date of realization to the petitioner within the stipulated time to be fixed by this Court.

For Petitioner
in both W.Ps : Mr.K.Selvakumar

For Respondents: Mr.A.Sundaravadanan
in both W.Ps Standing Counsel



COMMON ORDER

The relief sought for in these writ petitions is for a Mandamus seeking direction to the respondents to disburse Labour Welfare Fund, IRTT amount and interest at the rate of 6% per annum for the belated payment of gratuity, provident fund and commutation from the date of their retirement i.e., 26.02.2019 and 30.06.2018 till the date of realization to the petitioners within the stipulated time to be fixed by this Court.

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

3. The writ petitioner in W.P.No. 2870 of 2022 was retired from service on 28.02.2019 as Driver Inspector in the respondents-Corporation. The writ petitioner in W.P.No.2872 of 2022 was retired from service on 30.06.2018 as Selection Grade Senior Driver in the respondents-Corporation. The respondents have settled the retirement benefits to the petitioners only on 24.09.2019, 29.10.2021 and 31.08.2019, respectively.

4. According to the petitioners, the respondents have settled their terminal benefits belatedly and they have also not paid interest for the said belated payment to the petitioners. Hence, the petitioners have made representations dated 23.11.2021 and 07.01.2022 to the concerned Authorities to pay the interest at the rate of 6% per annum for the belated payment of Gratuity, Provident Fund and other benefits. The petitioners have 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 to be in the present writ petitions.

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 to the petitioners 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 respondents-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioners.

7. Insofar as the disbursement of the Labour Welfare Fund, IRTT amount to the petitioners is concerned, the respondents-Corporation is directed to consider the representations of the petitioners as expeditiously as possible in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
12, Ramakrishna Road,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

+2ccs to Mr.K.Selvakumar, Advocate SR.No.18643

+2ccs to Mr.A.Sundaravadanan, Advocate SR.No.18122, 18123

W.P.Nos.2870 and 2872 of 2022

KK (CO)
GMY (31/03/2022)