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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2132 OF 2022

L.Thiyagarajan

.. Petitioner

vs.

The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd., Rep.by its Managing Director,
Erode Region, Erode.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 18% per annum for the period of delay from 1.6.2019 to 24.1.2021, in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick leaves within a time frame as may be fixed by this Court.

For Petitioner : Ms.Porkodi for
Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanam

O R D E R

The relief sought for in the writ petition is for a mandamus seeking direction to the respondents to pay the interest at the rate of 18% per annum for the belated payment of Employee's Contribution, Gratuity, Encashment of earned/sick leaves salary to the petitioner, within a specified time.

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



3. The petitioner was worked under the respondent Transport Corporation and retired from service on attaining the age of superannuation on 31.05.2019. The respondents have settled the retirement benefits to the petitioner only on 25.01.2021.

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4. According to the petitioner, the respondents have settled the retirement benefits belatedly i.e, after a delay of 354 days and they have also not paid interest for the said belated payment to the petitioner. Hence, the petitioner has made a representation to the concerned Authorities to pay the interest for the belated payment. The petitioner 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 to 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 petitioner belatedly and further 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 the penal interest at the rate of 4% per annum on the belated payment of 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 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-IX)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
The Management of Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Erode Region, Erode.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.8758

W.P.No.2132 of 2022

AJB (CO)
RLP (28/02/2022)