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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2801 of 2022

K. Jamalutheen

... Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation (Kovai)Ltd.,
Erode Region,Rep. by its Managing Director,
Erode.
2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.07.2019 to 24.01.2021, in paying the amounts paid towards the terminal and pension benefits of the petitioner, namely, EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and commutated value of pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner	:	Mr. V. Ajoy Khose
For Respondent	:	Mr.A.Sundaravadanam Standing Counsel for R1
	:	Mr. C.S.K.Sathish for R2

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pay interest at the rate



of 18% per annum, for the period of delay from 01.07.2019 to 24.01.2021, in paying the terminal and pension benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Counsels appearing for the respondents.

3. The petitioner was working as Conductor under the respondent Transport Corporation and retired from service on attaining the age of superannuation on 30.06.2019. However, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 26.11.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, the respondent has settled the retirement benefits to the petitioner belatedly. Despite the petitioner made a representation dated 26.11.2021 to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondent did not pay same. Hence, the respondent may be directed to pay interest for the belated payment of retirement benefits.

5. The learned Standing Counsel appearing for respondent fairly accepted the fact that the respondent-Corporation have settled the retirement benefits to the petitioner belatedly. He also relied upon the order passed by this court in W.P.No.468 of 2022 dated 19.01.2021, wherein, this court has directed the respondent Corporation to pay interest at the rate of 4% p.a. Hence, he submitted that, on the same line, 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 penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, 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.



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

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Kovai)Ltd.,
Erode Region, Erode.
2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.10068

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.10372

+1cc to Mr.A.Sundaravadhanam, Advocate, S.R.No.10968

W.P.No.2801 of 2022

KG(CO)
SU(09/03/2022)