



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3236 of 2022

S.P.Sivasanmugam

... Petitioner

vs.

1. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd
3/137, Salamedu
Kandamanadi Post
Villupuram-605 401

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 interest at the rate of 10% per annum for the belated payment of gratuity, leave salary and commutation of pension amount to the petitioner.

For Petitioner : Mr. S.T.Varadarajulu

For Respondents : Mr. G.Saravana Kumar
Standing Counsel

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pay interest at the rate of 10% per annum for the belated payment of gratuity, leave salary and commutation of pension amount to the petitioner.

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

3. The petitioner was employed as Traffic Inspector under the respondent Transport Corporation and retired from service on superannuation on 31.07.2017. However, the respondents have settled the retirement benefits to the petitioner belatedly,



without any interest. Hence, the petitioner made a representation on 06.08.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

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4. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioner belatedly. Despite the petitioner made a representation dated 06.08.2021 to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. He 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 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.

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

1. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd
3/137, Salamedu
Kandamanadi Post
Villupuram-605 401
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai, Chennai-600 002.

+1cc to Mr. G.Saravana Kumar, Advocate, S.R.No.10986
+1cc to Mr. S.T.Varadarajulu, Advocate, S.R.No.11273

W.P.No.3236 of 2022

KG(CO)
CT 08/03/2022