



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.3237 OF 2022

R.Krishnamoorthy

... Petitioner

vs.

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by The Managing Director,
3/137, Salamedu,
Valudhareddy Post,
Villupuram - 605 602.
2. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by the General Manager,
Vellore Regional Office,
Rangapuram,
Vellore - 632 009.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Trust,
Thiruvalluvar House,
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 amounts to the belatedly paid retirement benefits viz. The Service Gratuity, Provident Fund and Leave Salary at the rate of 4% per annum for 14 months of delayed payment in accordance with the order dated 19.01.2021 in W.P.No.15886 of 2020 and as adopted in the Order dated 24.03.2021 in W.P.No.506 of 2021 by considering and passing orders on pensioner's representation dated 29.12.2021.



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For Petitioner : Mr.N.Ishak
For RR 1 & 2 : Mr.G.Saravanakumar
For RR 3 : Mr.C.S.K.Sathish

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to pay interest amounts to the belatedly paid retirement benefits viz. The Service Gratuity, Provident Fund and Leave Salary at the rate of 4% per annum for 14 months of delayed payment in accordance with the order dated 19.01.2021 in W.P.No.15886 of 2020 and as adopted in the Order dated 24.03.2021 in W.P.No.506 of 2021 by considering and passing orders on pensioner's representation dated 29.12.2021.

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

3. The petitioner was employed as Driver under the respondent Transport Corporation and retired from service on superannuation on 31.03.2020. However, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 29.12.2021 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 respondents have settled the retirement benefits to the petitioner belatedly. Despite the petitioner made a representation dated 29.12.2021 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-VIII)

//True Copy//

Sub Assistant Registrar

ata/uma

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Regional Office,
Rangapuram, Vellore - 632 009.
3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.11933

+1cc to Mr.N.Ishak, Advocate, S.R.No.11682

W.P.No.3237 of 2022

BS(CO)

RLP(08/03/2022)