



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3238 of 2022

A.Raja .. 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 retiral benefits viz. Service Gratuity, Commutation of Pension amount and Leave Salary at the rate of 4% per annum for 15 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 petitioner's representation dated 29.12.2021, within a time to be stipulated by this court.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.G.Saravanakumar for R1 and R2

Mr.C.S.K.Sathish for R3

O R D E R

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 4% per annum for the belated payment retiral benefits.



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

3. The petitioner was appointed as Junior Trades Man in the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 29.02.2020. 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 same. He has also relied on the decision of this court in W.P.No.15886 of 2020 order dated 19.01.2021 and in W.P.No.506 of 2021 dated 24.03.2021.

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 admitted that the petitioner is entitled for interest at the rate of 4% per annum for the belated payment.

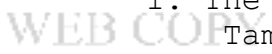
6. In view of the above submissions and with the consent of both parties, there shall be a direction to the respondents to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioner, within a period of four months from the date of receipt of a copy 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

//True Copy//

Sub Assistant Registrar



To

- RR (CO)
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- SB (10/03/2022)