



WEB COPY



W.P.No.3448 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.2.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3448 of 2022
and W.M.P.No.3559 of 2022

- 1 R.Chinnaraj
- 2 M.Padmanaban
- 3 J.Ramanathan
- 4 M.Venkatachalam
- 5 R.Sekar
- 6 R.Athipathi
- 7 K.Murugan
- 8 V.Sridharan
- 9 V.Harikrishnan
- 10 S.Sundar Raj

... Petitioners

Vs.

- 1 The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., 3/127 Salamedu
Villupuram, Villupuram District-605 401.
- 2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai-02.

... 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 @ 10 percentage for the belated payment of gratuity, Leave Salary, Employees Provident Fund and commutation of pension amount to the petitioners.



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For Petitioner : Mr.S.T.Varadarajulu
For Respondent : Mr.G.Saravanakumar

ORDER

The relief sought for in the writ petition is for a mandamus seeking direction to the respondent to pay interest at the rate of 10% per annum for the belated payment of Gratuity, Leave Salary, Employees Provident Fund and Commutation of pension amount to the petitioners.

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

3. The petitioners were worked under the respondent Transport Corporation and retired from service on attaining the age of superannuation in the year 2018 and 2019 accordingly. The retirement benefits have been settled to the petitioners belatedly after 10 to 14 months.

4. According to the petitioners, the respondents have settled the retirement benefits belatedly i.e, after 10 to 14 months and they have also not paid interest for the said belated payment to the petitioners. 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



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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 petitioners belatedly and further submitted that the petitioners are 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 for the belated payment of retirement benefits for the period from the date of 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 any default, the respondent-Corporation shall have to pay interest at the rate of 6% per annum to the petitioners.



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

costs. W.M.P.No.3559 of 2022 is allowed.

23.2.2022

Index : Yes / No

Internet : Yes / No

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To

- 1 The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/127 Salamedu, Villupuram, Villupuram District-605 401.
- 2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust, Pallavan Salai, Chennai-02.



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D.KRISHNAKUMAR. J

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