



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.02.2022

CORAM:

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3677 of 2022

R.Santhi

... Petitioner

vs.

1.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its The Managing Director,
No.12, Ramakrishna Road,
Salem - 7.

2.Tamil Nadu State Transport Corporations
Employees' Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Saalai,
Chennai - 2. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to pay the interest for the belated payment of P.F., Gratuity, commuted value of pension, Gratuity and encashment of earned leave salary, at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

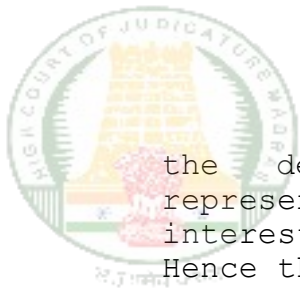
For Respondents: Mr.A.Sundaravadanan for R1
: Mr.C.S.K.Sathish for R2.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing respondents 1 and 2 to pay the interest for the belated payment of Provident Fund, Gratuity, Commuted value of pension and encashment of earned leave salary, at the rate of 12% per annum, within a specified time as may be fixed by this Court.

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

3. The petitioner's husband late K.Raju , retired from service of the respondent corporation on 30.09.2018 and he died on 30.11.2019, leaving the petitioner and children as his legal heirs. The respondents settled the terminal benefits of



the deceased, belatedly. Hence, the petitioner gave representation dated 01.09.2021 to the respondents to pay interest for the belated payment. But it was not considered. Hence this writ petition.

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4. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits belatedly. Despite the petitioner made a representation, the respondents have not paid interest. Hence, necessary orders may be issued to the respondents to pay interest.

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 of the deceased, 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 deceased 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 II)

//True Copy//

Sub Assistant Registrar

mst

To

1.The Managing Director,

Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem - 7.

2.The Administrator,

Tamil Nadu State Transport Corporations
Employees' Fund Trust,
Thiruvalluvar Illam, Pallavan Saalai, Chennai - 2.

+1 cc to Mr.V.Ajoy Khose, Advocate Sr.NO.12084

+1 cc to Mr.A.Sundaravadanan ., Advocate Sr.NO. 12475

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(CO)

A.SK(14/03/2022)