



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4112 of 2022

1.I.Ashokan

... Petitioner

Vs.

1. The Managing Director,
Metropolitan Transport Corporation (Salem) Ltd.,
Ramakrishna Salai, Salem - 363 007.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Barathipuram, Dharmapuri Region,
Dharmapuri - 636 705.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay interest for the belated payment of Provident Fund, Gratuity, Commutation and Leave Liability amount at a rate of 9% p.a.

For petitioner : Mr.J.Pradeep

For Respondents : Mr.A.Sundaravadanan
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus directing the respondents to pay interest at the rate of 9% per annum for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of pension.

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

3. The petitioner was working as Conductor under the respondent Transport Corporation and he retired from service on



attaining the age of superannuation on 31.07.2018. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made several representations to pay interest for the belated payment, but the respondents neither given reply nor pay interest. 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, without any interest and despite requests made by him, the respondents did not pay interest. Hence, the respondents may be directed to pay interest for the belated payments.

5. The learned Standing Counsel appearing for the 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, as per the earlier orders passed by this court.

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 petitioners.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ata/mst

To

1. The Managing Director,
Metropolitan Transport Corporation (Salem) Ltd.,
Ramakrishna Salai, Salem - 363 007.



WEB COPY

2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Barathipuram, Dharmapuri Region,
Dharmapuri - 636 705.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.13244

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PMK (CO)
CT 11/03/2022