



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4220 of 2022

K.G.Chandrasenan

.. Petitioner

vs.

*** Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Rep.by its Managing Director,
Mettupalayam Road,
Coimbatore - 43.**

.. Respondents

*** (R1, R2 deleted and substituted with amended cause title vide
order dated 03.03.2022 made in WMP.No.4879 of 2022 in
WP.No.4220 of 2022)**

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 the petitioner interest for the belated payment of his terminal benefits namely the P.F. and gratuity and to pay him wages towards 45 days of earned leave surrendered by me while I was in service together with interest at the rate of 12 percentage for the above benefits within a specified time frame as may be fixed by this Court.

For Petitioner : M/s.H.Nandhini

For Respondents : Mr. P.Balathandayutham, Spl.GP

O R D E R

The relief sought for in the writ petition is for a mandamus seeking direction to the respondents to pay the interest at the rate of 12% per annum for the belated payment of the petitioner gratuity, Earned Leave salary and commuted value of pension, within a specified time.

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

3. The petitioner was worked under the respondent Transport Corporation and retired from service on attaining the age of



superannuation on 30.04.2018. The respondents have settled the retirement benefits to the petitioner only on 20.09.2019.

4. According to the petitioner, the respondents have settled the retirement benefits belatedly on 20.09.2019 i.e, after a delay of 507 days and they have also not paid interest for the said belated payment to the petitioner. 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 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 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 and further 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 the penal interest at the rate of 4% per annum on the belated payment of the retirement benefits for the period from the date of the 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 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-III)
dated:30.03.2022

//True Copy//

*** Corrected as per order
of this Court dated 24.06.2022
made herein.**

Sd/-

**Assistant Registrar(CS-III)
dated:01.07.2022**

ak

Sub Assistant Registrar



To

WEB COPY

* Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Rep.by its Managing Director,
Mettupalayam Road,
Coimbatore - 43.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.40440

* To be
substituted
to the order
already despatched
on 06.04.2022

W.P.No.4220 of 2022

RR (CO)
A.SK (31.03.2022)
UMA (01/07/2022)