



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4488 of 2022

K.R.Govindarajan

..Petitioner

vs.

1. The Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I,
Rep. By its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

2. The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to pay difference in gratuity amount along with interest and interest for the delayed payments made in respect of commutation and earned leave.

For Petitioner : Mr.D.Anand Raja

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

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the writ petition is for a Mandamus directing the first respondent to pay difference in gratuity amount along with interest and interest for the delayed payments made in respect of commutation and earned leave.



3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. The petitioner worked under the respondent Transport Corporation as Senior Superintendent and retired from service on attaining the age of superannuation on 30.09.2010, after rendering service of nearly 36 years. According to the petitioner, the respondents have settled their retirement benefits belatedly and they have also not paid interest for the said belated payment to the petitioner and also not paid the difference in gratuity amount along with interest. Hence, the petitioner has made representation to the authorities concerned to pay interest for the belated payment. The petitioner have also relied on a Division Bench decision of this Court in W.A. (MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Division Bench of this Court has fixed interest at the rate of 6% per annum for the belated payment of retirement benefits and on the same line, orders may be passed in the present writ petition.

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 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 penal interest @ 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 twelve weeks 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 pay interest at the rate of 6% per annum to the petitioner. Insofar as payment of difference in gratuity amount is concerned, the petitioner shall make a fresh representation to the first respondent within a period of one week from the date of receipt of a copy of this order and on such representation being made, the first respondent shall consider the same and pass orders on merits and in accordance with law within a period of six weeks thereafter.



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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I, No.37,
Mettupalayam Road,
Coimbatore.
2. The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai, Chennai.

+1cc to Mr.D.Anand Raja, Advocate, S.R.No.13969
+1cc to Mr.A.Sundaravadanan, Advocate, S.R.No.13489

W.P.No.4488 of 2022

CP[co]
NSK 15/03/2022