



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4724 OF 2022

P.Shanmugasundaram

...Petitioner

Vs.

1.The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director,
Erode.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension
Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

...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 the petitioner interest at the rate of 18% per annum, for the period of delay from 01.08.18 to 20.09.19, in paying the amounts paid towards the petitioner terminal and pension benefits namely EPF Employees' Contribution, Gratuity, Encashment of Earned / Sick Leaves and Commuted value of Pension, within a time frame as may be fixed by this Court.

For petitioner : M/s.Nandini
for Mr.V.Ajoy Khose

For R1 : Mr.A.Sundaravadanan
Standing Counsel

For R2 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.08.18 to 20.09.19, in paying the amounts paid towards the petitioner terminal and pension benefits namely EPF



Employees' Contribution, Gratuity, Encashment of Earned / Sick Leaves and Commuted value of Pension, within a time frame as may be fixed by this Court.

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

3. The petitioner herein was working as Junior Assistant under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 31.07.2018. At the time of retirement, he was holding the post of Superintendent. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation 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 payment.

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 in W.P.No.468 of 2022 dated 19.01.2022.

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 have not already given up their 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 stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

ata/mst



To

1.Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Erode.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension
Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1cc to Mr.V.Ajoy Khose, Advocate Sr.No.14408

+1cc to Mr.C.S.K.Sathish, Advocate Sr.No.14985

W.P.No.4724 of 2022

SPD(CO)
RVM(16/03/2022)