



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.4705 of 2022

P.Shanmuga Davamani

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.05.20 to 01.06.21, in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves with a time frame fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Ms.Nandhini
For Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanam
Standing Counsel

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to pay interest for the belated payment of retirement benefits.

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

3. The petitioner was appointed as Conductor and he retired from service on attaining the age of superannuation on 30.04.2020 as Special Grade Conductor. However, the respondent has settled the retirement benefits to the petitioner



belatedly, without any interest. Hence, the petitioner made a representation on 23.12.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

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4. The learned counsel appearing for the petitioner submitted that, though the petitioner made a representation to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid same and hence the respondent may be directed 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 in view of the earlier orders passed by this court, 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 respondent 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 petitioner.

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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mst
To

The Managing Director, The Management of
The Tamilnadu State Transport Corporation
(Kovai) Ltd., Erode.

W.P.No.4705 of 2022

skm[co]
srg 28/03/2022