



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4656 of 2022

P.Mohan

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by is Managing Director,
3/137, Salamedu,
Valudhareddy Post,
Villupuram - 605 602.

2.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by The General Manager,
Kancheepuram Regional Office,
Karaipettai,
Chennai-Bangalore Highway,
Kancheepuram - 631 552.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust,
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 amounts to the belatedly paid retiral benefits viz., the Provident Fund, Service Gratuity, Commutation of Pension amount and Leave Salary at the rate of 4% per annum for 13 months of delayed payment in accordance with the order dated 19.01.2021 made in W.P.No.15886 of 2020 and as adopted in W.P.No.506 of 2021 dated 24.03.2021 by considering and passing orders on the petitioners representation dated 27.01.2022.



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For petitioner : Mr.N.Ishak
For RR1 & 2 : Mr.G.Saravanakumar
Standing Counsel
For R3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking directing the respondents to pay interest amounts to the belatedly paid retiral benefits viz., the Provident Fund, Service Gratuity, Commutation of Pension amount and Leave Salary at the rate of 4% per annum for 13 months of delayed payment in accordance with the order dated 19.01.2021 made in W.P.No.15886 of 2020 and as adopted in W.P.No.506 of 2021 dated 24.03.2021 by considering and passing orders on the petitioners representation dated 27.01.2022.

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

3. The petitioner herein was working as Junior Tradesman under the 1st respondent Transport Corporation and he retired from service on attaining the age of superannuation on 30.04.2020 as Senior Tradesman. The respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation on 27.01.2022 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 has 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 is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ata/mst

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Karaipettai,
Chennai-Bangalore Highway,
Kancheepuram - 631 552.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.14983
+1cc to Mr.N.Ishak, Advocate, S.R.No.14043

W.P.No.4656 of 2022

SR II (CO)
CB(09/03/2022)