



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4606 of 2022

V.Selvi

... Petitioner

Vs.

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

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest for the belated payment of P.F., Gratuity and Encashment of Earned Leave/Sick Leave, at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanan
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 12% per annum for the belated payment of Provident Fund, Gratuity and Encashment of Earned Leave/Sick Leave within a specified time fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3. The petitioner's husband was working as Special Grade Senior Driver under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 29.02.2020. After his retirement he died on 26.07.2020, leaving the petitioner and her children as his legal heirs. The respondents have settled the retirement benefits of the petitioner's husband belatedly, without any interest. Hence,



she made representation to pay the interest for the belated payment, but the respondent neither given reply nor pay interest. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, the respondent has settled the retirement benefits of the deceased to the petitioner belatedly and despite requests made by her, the respondent did not pay interest for the belated payment of retirement benefits.

5. The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondent 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.

6. In view of the above submissions and with the consent of both the 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 deceased 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(CO)

//True Copy//

Sub Assistant Registrar

ata/mst

To

Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore - 43.

W.P.No.4606 of 2022

PA(CO)
CT 18/03/2022