



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5231 of 2022

C.Kesavan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram Division),
No.3/137, Salamedu,
Vallatha Reddy Post,
Villupuram - 605 602.

2.The Administrator,
Tamil Nadu 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 consider the representation of the petitioner dated 30.11.2021 and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues and award cost.

For Petitioner : Mr.S.Ravi

For Respondents : Mr.G.Saravanakumar
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus directing the respondents to consider the representation of the petitioner dated 30.11.2021 and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues.



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

3. The petitioner herein was working as Conductor under the respondents Transport Corporation and he retired from service on attaining the age of superannuation on 31.03.2020. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation on 30.11.2021 to pay the 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 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 stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram Division)
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2.The Administrator,
Tamil Nadu Transport
Corporation Employees' Pension
Fund Trust,
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+1cc to Mr.S.Ravi, Advocate SR.No.15702

W.P.No.5231 of 2022

SKM(CO)
GN(28/03/2022)