



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.5591 of 2022

R.Annavi

...Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation (Kovai) Ltd.,
Coimbatore Region, rep. by its Managing Director,
Coimbatore.

...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 interest at the rate of 18% per annum for the period of delay from 01.05.2020 to 01.06.2021 in paying the amounts towards petitioner's terminal benefits namely EPF, Gratuity and Encashment of Earned/Sick leaves, within a time frame as may be fixed by this court, without affecting the petitioner's right to claim balance amounts towards those benefits.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanam,
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay interest at the rate of 18% per annum for the belated payment of terminal benefits

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

3.The petitioner worked as Conductor under the respondent Transport Corporation and he retired from service on attaining the age of superannuation as early as on 30.04.2020. However, the respondent has settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 22.10.2021 to pay interest, however, the respondents have not considered it. 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 belatedly. Despite the petitioner made a representation dated 22.10.2021 to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid same. Hence, the respondents may be directed to pay interest amount.

5.The learned Standing Counsel appearing for respondent fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioner belatedly. He also submitted that as per the earlier orders passed by this court in W.P.No.261 of 2022 dated 11.01.022, 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 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 is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mst

To

The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd,
Coimbatore Region, Coimbatore.

+1cc to M/s.A.Sundaravadhanan, Advocate, S.R.No.17164

W.P.No.5591 of 2022

PMK(CO)
RGA(06/04/2022)