



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5793 of 2022

A.Basheer Mohamed

...Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd,
Represented by its Managing Director,
Coimbatore.

...Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of mandamus, to direct the respondent to pay the petitioner interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.05.2020 to 01.06.2021, in paying the amounts paid towards the petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioner : Mr.V.Ajay Khose

For Respondent : Mr.A.Sundharavadanan
Standing Counsel

O R D E R

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 counsel appearing for the respondent.

3.The petitioner was appointed as Driver in the respondent's Corporation, subsequently promoted as Special Grade Driver with Staff No.87DR1013273 in the respondent's Corporation and retired from service on 30.04.2020 on reaching the age of superannuation. However, the respondent has settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on



27.01.2022 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, though the petitioner has 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 twelve weeks 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Dua
To

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

+1 CC to Mr.A.Sundharavadanan, Advocate sr 18115.

W.P.No.5793 of 2022

MG(CO)
SP(30/03/2022)