



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6066 of 2022

T.Mohankumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Vazhutha reddy Post,
Villupuram - 605 401.

2.The General Manager,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Villupuram Region,
Villupuram.

3.The Adminstrator,
Tamil Nadu Employees Pension
Fund Trust,
Pallavan Salai,
Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to pay the interest at the rate of 18% per annum for the belated payment of the gratuity of Rs.11,79,490/- and leave salary to a tune of Rs.6,81,565/- along with the future interest payable from the date of payment made till the date of realization.

For petitioner : Mr.P.Paramasiva Doss

For Respondents: Mr.G.Saravanakumar
Standing Counsel



ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents 1 and 2 to pay the interest at the rate of 18% per annum for the belated payment of the gratuity of Rs.11,79,490/- and leave salary to a tune of Rs.6,81,656/- along with the future interest payable from the date of payment made till the date of realization.

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

3. The petitioner was working as Junior Assistant under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 31.05.2018. At the time of retirement, he was holding the post of Assistant Manager. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made several representations 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 for the belated payment of retirement benefits. He has also relied on a decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits, on the same line, orders may be issued in the present writ petition.

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 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.

WEB COPY

7. With the above directions, the writ petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ata/uma
To

1. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Vazhutha reddy Post,
Villupuram - 605 401.
2. The General Manager,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram Region,
Villupuram.
3. The Administrator,
Tamil Nadu Employees Pension Fund Trust,
Pallavan Salai,
Chennai.

+1cc to M/s.P.Paramasiva Doss, Advocate Sr.18266
+1cc to Mr.G.Saravanakumar, Advocate Sr.18274

W.P.No.6066 of 2022

pl[co]
srg 30/03/2022