



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6450 of 2022

S.Shanmugam

... Petitioner

Vs.

Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
No.3/137, Salamedu,
Villupuram - 605 602.

... 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 Rs.6,54,335/-, which was paid to him towards gratuity, at the rate of 12% per annum.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.G.Saravanakumar
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus to direct the respondent to pay the petitioner interest for the belated payment of Rs.6,54,335/-, which was paid to him towards gratuity, at the rate of 12% per annum.

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

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 30.04.2012. At the time of retirement, he was holding the post of Superintendent. But, the respondent have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation to pay 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 have settled the retirement benefits to the petitioner, without any interest and despite request made by him, 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, as per the earlier orders passed by this court.

6. In view of the above submissions and with the consent of both parties, this Court is inclined to direct 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 petitioner has not already given up their 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(CO)

//True Copy//

Sub Assistant Registrar

ata/mst

To

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
No.3/137, Salamedu,
Villupuram - 605 602.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.19039
+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.19431

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SVI (CO)
CT 04/04/2022