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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6577 of 2022

K.Masilamani

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhudhareddy Post,
Salamedu,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Vellore - 632 009.
3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme,
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 pay interest for the belated payment of Gratuity, Commutation and Leave Liability amount at the rate of 9% p.a.

For Petitioner : Mr.J.Pradeep

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 to pay interest for the belated payment of Gratuity, Commutation and Leave Liability amount at the rate of 9% p.a.

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

3. The petitioner was working as Special Grade Conductor under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 31.12.2017. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made a representation on 09.03.2022 to the respondents 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 request 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 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.



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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
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Villupuram - 605 602.
2. The General Manager,
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PL[co]
NSK 06/04/2022