



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1.4.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7789 of 2022

S.Anandraj

... Petitioner

Vs.

1. The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust/Post
Retirement Benefit Fund, Thiruvalluvar
House, Pallavan Salai,
Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pay the interest at the rate of 18% p.a. for the belated payment of the Gratuity payable to the petitioner for his service rendered in the respondent Corporation within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.P.Paramasiva Doss

For Respondent No.1: Mrs.P.Rajarajeswari, G.A.

For Respondent No.2: Mr.C.S.K.Sathish

O R D E R

The relief sought for in the writ petition is for a mandamus seeking direction to the respondents to pay the interest at the



rate of 18% per annum for the belated payment of Gratuity to the petitioner, within a specified time.

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

3. The petitioner was worked under the respondent Transport Corporation and retired from service on attaining the age of superannuation on 31.03.2020. The respondents have settled the retirement benefits to the petitioner only on 2.06.2021 after a lapse of 15 months.

4. According to the petitioner, the respondents have settled the retirement benefits belatedly i.e, after 15 months and they have also not paid interest for the belated payment to the petitioner. Hence, the petitioner has made a representation to the concerned Authorities to pay the interest for the belated payment. The petitioner has also relied on the 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 to be passed in the present writ petition.

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 and further 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 the penal interest at the rate of 4% per annum on the belated payment of retirement benefits for the period from the date of the retirement till the date of actual disbursement, as expeditiously as possible and in any event, 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.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Additional Chief Secretary,
Transport Department, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust/Post
Retirement Benefit Fund,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1cc to the Government Pleader Sr.23244
+1cc to M/s.P.Paramasiva Doss, Advocate Sr.22552
+1cc to Mr.K.Moorthy, Advocate Sr.22484

W.P.No.7789 of 2022

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srg 11/04/2022