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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8012 of 2022

K.Ganesan ... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Region,
Salem.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
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 at the rate of 6% per annum, for the period of delay from 31.05.2018 to 31.08.2019 in paying the amounts paid towards the terminal benefits within a time frame fixed by this Court.

For Petitioner : Ms.V.Porkodi

For R1 : Mr.A.Sundaravadanan

For R2 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 6% per annum, for the period of delay from 31.05.2018 to 31.08.2019 in paying the amounts paid towards the terminal benefits with a time frame fixed by this Court.

3. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsels appearing for the respondents.

4. The petitioner was working as Selection Grade Senior Conductor under the respondent Transport Corporation and he was retired from service on attaining the age of superannuation during the year 31.05.2018. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation on 26.11.2021 to pay interest for the belated payment for the period from 31.05.2018 to 31.08.2019, but the respondents neither given reply nor pay interest. Hence, this writ petition has been filed.

5. 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.

6. The learned Standing Counsels 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 for the period from 31.05.2018 to 31.08.2019.

7. 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, for the period from 31.05.2018 to 31.08.2019, 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

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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.

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

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

ata/uma
To

1.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Region, Salem.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to M/s.V.Porkodi, Advocate Sr.23224
+1cc to M/s.A.Sundaravadhanan, Advocate Sr.22938

W.P.No.8012 of 2022

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srg 28/04/2022

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