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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8968 OF 2022

AND

W.M.P.NO.8795 OF 2022

1.S.Balasubramani

2.G.Elumalai

3.G.Mohan

4.M.Janarthanam

5.V.Thirunavukkarasu

6.N.Karuppaiya

7.R.Kasinathan

8.N.Venkadapathi

9.K.Selvamani

10.G.Dhanalakshmi

11.E.Veeramuthu

... Petitioners

Vs.

1. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
2, Pallavan Illam,
Anna Salai, Chennai - 600 002.

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust,
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 @ 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of Pension amount to the petitioners.

For Petitioners: Mr.S.T.Varadarajulu

For R1 : Mr.K.Moorthy
Standing Counsel

ORDER

The relief sought for in this writ petition is for a Mandamus seeking direction to the respondents to pay interest @ 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of Pension amount to the petitioners.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the 1st respondent.

3. The petitioners were working as Special Grade Conductors, Special Grade Drivers, Traffic Inspectors and Checking Inspectors under the respondent Transport Corporation and they were retired from service on attaining the age of superannuation during the year 2017 to 2020. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made representations 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 petitioners submitted that, the respondents have settled the retirement benefits to the petitioners, without any interest and despite requests made by them, 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 respondent



Corporation have settled the retirement benefits to the petitioners belatedly. He also submitted that the petitioners are entitled for interest only at the rate of 4% per annum for the belated payment.

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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 petitioners, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioners have 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 petitioners.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ata/dua

To

1. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
2, Pallavan Illam,
Anna Salai, Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.25379

W.P.No.8968 of 2022

SJ(CO)
PM/25/04/2022