



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8499 of 2022

M.Thayalan

...Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation Ltd,
Pallavan Salai, Chennai.

2.The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
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 settle the interest for the belated payment of retirement benefits payable to the petitioner with 18% rate of interest within the time frame stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 & 2 : Mrs.S.Anitha
Special Government Pleader

For R3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

No representation for the respondents 1 and 2. Hence, this court directed Mrs.Antiha, learned Special Government Pleader to take notice for the respondents 1 and 2.



2. Mr.C.S.K.Sathish, learned Standing Counsel takes notice for the third respondent.

3. This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits payable to the petitioner with 18% rate of interest within the time frame stipulated by this Court.

4. The petitioner worked as Superintendent in the respondent Transport Corporation and he retired from service on attaining the age of superannuation as early as on 31.12.2019. However, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 01.03.2022 to pay interest, however, the respondents have not considered it. 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 belatedly. Despite the petitioner made a representation dated 01.03.2022 to the Authorities concerned to pay the interest for the belated payment of retirement benefits, the respondents have not paid same. Hence, the respondents may be directed to pay interest amount.

6. The learned Standing Counsel appearing for the third respondent submitted that as per the earlier orders passed by this court in W.P.No.261 of 2022 dated 11.01.2022, the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mst
To

- 1.The Managing Director,
State Express Transport Corporation Ltd,
Pallavan Salai,
Chennai.
- 2.The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1 CC to Mr.C.S.K.Sathish, Advocate sr 24928.
+1 CC to Mr.N.Sudhagar Nagaraj, Advocate sr 24983.

W.P.No.8499 of 2022

MT(CO)
SP(04/05/2022)