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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.8626, 8629 of 2022

J.Tamil Selvan
K.Murugan

... Petitioner in W.P.No.8626 of 2022
... Petitioner in W.P.No.8629 of 2022

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division),
No.3/137, Salamedu,
Vazhutha Reddy Post,
Villupuram - 605 602.

... Respondent in both W.P'S

Common Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondent to consider the representations of the petitioner dated 31.12.2021 and 06.01.2022 respectively, and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues and award cost.

For Petitioner : Mr.S.Ravi
in both WP's

For Respondent : Mr.G.Saravana Kumar,
in both WP's Standing counsel

C O M M O N O R D E R

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions have been filed for issuance of a Writ of Mandamus directing the respondent to consider the representations of the petitioners dated 31.12.2021 and 06.01.2022 respectively, and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues and award cost.



3. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondent.

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4. The petitioner in W.P.No.8626 of 2022 was employed as Driver under the respondent Transport Corporation and retired from service on superannuation on 31.05.2019 and the petitioner in W.P.No.8629 of 2022 was employed as Driver under the respondent Transport Corporation and retired from service on superannuation on 30.06.2019. However, the respondent has settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioners made a representation on 31.12.2021 and 06.01.2022 respectively, to pay interest, however, the respondent has not considered it. Hence, these writ petitions have been filed.

5. The learned counsel appearing for the petitioner in both cases submitted that, the respondent has settled the retirement benefits to the petitioner belatedly. Despite the petitioners made a representation dated 31.12.2021 and 06.01.2022 respectively, to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. He 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 may be issued in the present writ petitions.

6. The learned Standing Counsel appearing for respondent fairly accepted the fact that the respondent - Corporation has settled the retirement benefits to the petitioners belatedly. He also submitted that 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 respondent 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 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 petitioners.



8. With the above directions, the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar

rna/uma

To

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division),
No.3/137, Salamedu,
Vazhutha Reddy Post,
Villupuram - 605 602.

+2cc to Mr.S.Ravi, Advocate SR.No.25065, 25066

W.P.Nos.8626, 8629 of 2022

PM(CO)
CB(22/04/2022)