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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.9223 OF 2022

D.Kumar

... Petitioner

Vs.

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

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay interest @ 4% for the belated payment of terminal benefits such as gratuity, leave salary and provident fund amount to the petitioner for the period from (29.02.2020) the date of retirement to till the date of settlement by following the order passed in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 within a time frame.

For Petitioner : Mr.V.S.Jagadeesan

For Respondent : Mr.K.Moorthy
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay interest @ 4% for the belated payment of terminal benefits such as gratuity, leave salary and provident fund amount to the petitioner for the period from (29.02.2020) the date of retirement to till the date of settlement by following the order passed in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015.



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

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3. The petitioner was working as Superintendent under the respondent Metropolitan Transport Corporation and he was retired from service on attaining the age of superannuation on 29.02.2020. But, the respondent have settled the terminal benefits to the petitioner belatedly, without any interest. Hence, he made representation on 24.03.2022 to pay terminal benefits with interest for the belated payment, but the respondent neither given reply nor pay interest. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, the respondent have settled the terminal benefits such as gratuity, leave salary and provident fund amount to the petitioner for the period from (29.02.2020) the date of retirement to till date, without any interest and despite request made by him, the respondent did not pay interest for the belated payment of terminal 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 respondent fairly accepted the fact that the respondent Corporation have settled the terminal 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.

6. 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 terminal benefits to the petitioner from the date of retirement till the date of settlement, 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 stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

ata/uma

To

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

+1cc to M/s.V.S.Jagadeesan, Advocate, S.R.No.26083

W.P.No.9223 of 2022

SS(CO)
RLP(05/05/2022)