



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.11879 OF 2022

1.L.Perumal
2.A.Syed Nazir
3.A.Sampath
4.V.Janakiraman
5.S.Anandan

...Petitioners

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Bye Pass Road, Vangikkal,
Thiruvannamalai - 606 604.

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay interest at 10% for the belated payment of Gratuity, Leave Salary and commutation of pension amount to the petitioners.

For Petitioners : Mr.S.T.Varadarajulu

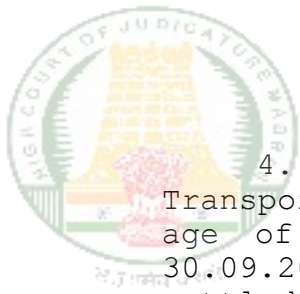
For Respondents : Mr.G.Saravanakumar
Standing Counsel

O R D E R

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

2. The relief sought for in the writ petition is for a Mandamus, seeking direction to the respondents to pay interest at 10% for the belated payment of Gratuity, Leave Salary and commutation of pension amount to the petitioners.

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



4. The petitioners were worked under the respondents Transport Corporation and retired from service on attaining the age of superannuation on 30.04.2019, 31.05.2019, 31.05.2019, 30.09.2018 and 31.03.2018, respectively. The respondents have settled the retirement benefits to the petitioners only on 22.01.2021, 22.01.2021, 22.01.2021, 19.09.2019 and 03.11.2018, respectively.

5. According to the petitioners, the respondents have settled the retirement benefits belatedly and they have also not paid interest for the said belated payment to the petitioners. Hence, the petitioners had made representations dated 14.03.2022 and 18.03.2022 to the concerned Authorities to pay the interest for the belated payment. The petitioners had also relied on the decision of the Hon'ble Division Bench of this Court in W.A.No.665 of 2018 dated 20.09.2018 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 to be passed in the present writ petition.

6. The learned Standing Counsel appearing for respondents fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioners belatedly and further submitted that the petitioners are 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 Corporation to pay the penal interest at the rate of 4% per annum on the belated payment of the retirement benefits to the petitioners for the period from the date of the retirement till the date of actual disbursement, as expeditiously as possible and in any event, within a period of twelve weeks 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 rights for claiming interest for the retirement benefits. It is also made clear that in default, the respondents-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 petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

dm



To

1.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Bye Pass Road, Vangikkal,
Thiruvannamalai - 606 604.

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

+1cc to Mr.G.Saravanakumar, Advocate Sr.No.32819

+1cc to M/s.S.T.Varadarajulu, Advocate Sr.No.32684

+1cc to the Government Pleader Sr.No.33618

W.P.No.11879 of 2022

PMK(CO)
RVM(16/06/2022)