



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.9468 OF 2022

S.Sekar

...Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore - 632 009.

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 the petitioner a sum of Rs.2,90,993/- towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary and Commutation amount.

For Petitioner : Mr.S.T.Varadarajulu

For R1 : Mr.G.Saravanakumar
Standing Counsel

For R2 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay the petitioner a sum of Rs.2,90,993/- towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary and Commutation amount.



2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsels appearing for the respondents.

3. The petitioner was working as Superintendent under the respondent Transport Corporation and he was retired from service on attaining the age of superannuation on 31.12.2019. But, the respondents have settled the terminal benefits to the petitioner belatedly, without any interest. Hence, he made representation on 14.03.2022 to pay terminal benefits with 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 petitioner submitted that, the respondents have settled the terminal benefits such as gratuity, leave salary and commutation amount to the petitioner without any interest and despite request made by him, the respondents did not pay interest for the belated payment of terminal benefits.

5. The learned Standing Counsels appearing for the respondents fairly accepted the fact that the respondent Corporation have settled the terminal benefits to the petitioner belatedly. They also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment, in the light of the earlier orders passed by this court in similar matters.

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 terminal 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.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

ata/mst



To

1. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore - 632 009.

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

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.26569

+1cc to Mr.S.T.Varadharajulu, Advocate, S.R.No.26657

W.P.No.9468 of 2022

RK(CO)
RGA(06/05/2022)