



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9676 of 2022

1.P.Rajendran
2.T.Radhakrishnan
3.T.S.Rajendran

...Petitioners

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602.

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

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust,
Pallavan Salai,
Chennai - 02.

...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 interest @ 10% for the belated payment of Gratuity, Leave Salary and Commutation of Pension amount to the petitioners.

For Petitioners: Mr.S.T.Varadarajalu

For RR1 & 2 : Mr.G.Saravanakumar
Standing Counsel

For R3 : 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 interest @ 10% for the belated payment of Gratuity, Leave Salary and Commutation of Pension amount to the petitioners.

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

3. The petitioners were working as Senior Superintendents under the respondent Transport Corporation and they were retired from service after attaining the age of superannuation on 31.05.2019 and 30.06.2019 accordingly. But, the respondents have settled the terminal benefits to the petitioners belatedly, without any interest. Hence, they made representations on 17.11.2021, 22.10.2021 and 09.09.2021 respectively, to pay the terminal benefits with interest for the belated payment, but the respondents neither given reply nor pay interest. Hence, they filed this instant writ petition before this Court.

4. The learned counsel appearing for the petitioners submitted that, the respondents have settled the terminal benefits such as gratuity, leave salary and commutation of pension amount to the petitioners without any interest and despite requests made by them, the respondents did not pay the interest for the belated payment of terminal benefits. They have 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 Counsels appearing for the respondents fairly accepted the fact that the respondent Corporation have settled the terminal benefits to the petitioners belatedly. He also submitted that the petitioners are 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 respondents to pay penal interest at the rate of 4% per annum for the belated payment of terminal 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 their rights 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.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore - 632 009.
- 3.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Pallavan Salai,
Chennai - 02.

+1cc to Mr.G.Saravanakumar, Advocate Sr.26942
+1cc to Mr.S.T.Varadarajulu, Advocate Sr.27017

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kv[co]
srg 17/05/2022