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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.10124 OF 2022

R.Karunakaran

... Petitioner

.Vs.

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kanchipuram Division,
Karaipettai,
Kanchipuram - 631 552.
3. The Administrator,
The Tamil Nadu State Transport
Corporation Employees' Post
Retirement Welfare Fund Scheme,
Thiruvalluvar House,
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 1st respondent to pay the interest amount for Rs.17,67,580/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment and also the petitioner's 11 days salary for the period from 21.12.2019 to 31.12.2019, as per the petitioner's representation dated 02.02.2022.



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For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.G.Saravanakumar
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the 1st respondent to pay the interest amount for Rs.17,67,580/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment and also the petitioner's 11 days salary for the period from 21.12.2019 to 31.12.2019, as per the petitioner's representation dated 02.02.2022.

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

3. The petitioner was working as Conductor 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 retirement benefits namely Gratuity amount, Commutation amount and Encashment of Leave amount belatedly without any interest and also not paid 11 days salary for the period from 21.12.2019 to 31.12.2019. Hence, he made various representations in person and finally, made a representation on 02.02.2022 to pay the interest for the belated payment, but the respondents neither given the reply nor pay the interest. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioner, without any interest and despite request made by him, the respondents did not pay interest for the belated payment of retirement 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 respondents fairly accepted the fact that the respondent Corporation have settled the retirement 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, it is ordered as follows:

(i) The respondents are directed to pay penal interest at the rate of 4% per annum for the belated payment of retirement 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.

ii) Insofar as the payment towards 11 days salary for the period from 21.12.2019 to 31.12.2019 is concerned, the respondents are directed to consider the representation of the petitioner and to pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
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Villupuram - 605 602.
2. The General Manager,
The Tamil Nadu State Transport
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3. The Administrator,
The Tamil Nadu State Transport
Corporation Employees' Post
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+1cc to Mr.R.Anbalagan, Advocate, S.R.No.28273

W.P.NO.10124 OF 2022

SS (CO)
PBS/27/05/2022