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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10202 of 2022

1.R.Baskaran

2.M.Gurusamy

3.D.Shanmugam

4.C.M.Sundarraaj

5.R.Babu

6.G.Sekar

7.K.Arivazhagan

...Petitioners

Vs.

1. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region,
No.2, Imperial Road,
Cuddalore - 607 002.

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust,
No.2, 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 interest @ 10% for the belated payment of Gratuity, Provident Fund, Leave Salary and Commutation of Pension amount to the petitioners.



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For Petitioner : Mr.S.T.Varadarajalu

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

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

3. The petitioners were working as Driver/ Checking Inspector/ Conductor/Superintendent/Tradesman under the respondent Transport Corporation and they were retired from service on attaining the age of superannuation during the year 2018, 2019 and 2020. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made their individual representations seeking to pay 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 petitioners submitted that, the respondents have settled the retirement benefits to the petitioner, without any interest and despite request made by them, the respondents did not pay interest for the belated payment of retirement benefits. Hence, respondents may be directed to pay interest.

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, as per the earlier orders passed by this court, 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 retirement 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 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 petitioners.

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

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

mst

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region, No.2, Imperial Road,
Cuddalore - 607 002.

2. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust, No.2, Pallavan Salai,
Chennai - 600 002.

+lcc to Mr.G.Saravanakumar, Advocate, S.R.No.29430
+lcc to Mr.S.T.Varadarajalu, Advocate, S.R.No.29346

W.P.No.10202 of 2022

SRA[co]
NSK/04/07/2022