

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.11100 OF 2021

D.Thangamani
(Rtd Staff No.CR5057)

... Petitioner

.Vs.

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Ramakrishan Salai,
Salem - 636 007.

2. The General Manager,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Bharathipuram, Salem Main Road,
Dharmapuri - 5.

3. The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER:-

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the payments relating to interest amount of P.F, Gratuity, Leave Salary and Commutation amounts others benefits likes arrears of 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount and IRT share and all other retirement Benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desinghu

For R1 & R2 : Mr.A.Sundaravadanan

For R3 : Mr.C.S.K.Sathish

O R D E R

The relief sought for in the writ petition is for a Mandamus directing the respondents to disburse the payments to the petitioner relating to interest amount of P.F, Gratuity, Leave Salary and Commutation amounts others benefits likes arrears of 7 days Salary, Social Welfare Scheme amount, ERBS Pension amount and IRT share and all other retirement Benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner was appointed as a Conductor in the Tamil Nadu State Transport Corporation (Salem) Ltd, Dharmapuri Region and retired from service on attaining the age of superannuation on 30.06.2019 as Selection Grade Senior Conductor. However, the respondents has settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 15.07.2019 & 10.03.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, though the petitioner made a representations to the concerned authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. Further, he would also relied on a Division Bench decision of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Division Bench of this Court has fixed interest at the rate of 6% per annum for the belated payment of retirement benefits and on the same line, orders may be passed in the present writ petition.

5. The learned counsel appearing for respondents fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioner belatedly and further 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, there shall be a direction to the respondents to pay the penal interest at the rate of 4% per annum on the

belated payment of the retirement benefits 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 petitioner has 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 pay interest at the rate of 6% per annum to the petitioner.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Managing Director,
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Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.N.Desinghu, Advocate, S.R.No.20228

W.P.NO.11100 OF 2021

PMK(CO)
PBS/07/04/2022