



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11338 of 2022

and

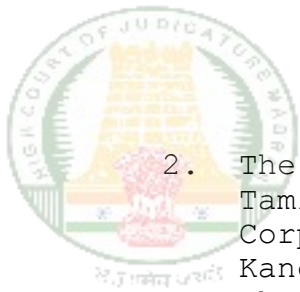
W.M.P.No. 10870 of 2022

1. P. Rajasekaran
2. M. Anbu
3. S. Somu
4. V. Ragupathy
5. P. Bakiyanathan
6. P. Durai Raj
7. S. Krishnan
8. D. Kumar
9. K. Raja
10. R. Elumalai
11. G. Damu
12. C. Selvaraj
13. K. Kasi
14. G. Murali
15. M. Jayanandan
16. L. Gunasekaran
17. B. Baskeran
18. B. Sekaran
19. Y. Francis

... Petitioners

Vs.

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



WEB COPY

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kanchipuram Region,
Chennai - Bangaluru- Bye pass Road,
Kanchipuram.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
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 at 10 % for the belated payment of Provident Fund, Gratuity, Leave Salary and commutation of pension amount to the petitioners.

For petitioners	: Mr. S.T. Varadarajulu
For Respondents	: Mr. G. Saravanakumar Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at 10 % for the belated payment of Provident Fund, Gratuity, Leave Salary and commutation of pension amount to the petitioners.

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

3. The petitioners were working as Special Grade Conductors, Special Grade Drivers, Traffic Inspectors and Checking Inspectors and etc. under the respondent Transport Corporation and they retired from service after a continuous of 25 to 30 years. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made several representations 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 petitioners, without any interest and despite requests made by them, the respondents did not pay interest for



the belated payment of retirement 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 Counsel appearing for the respondents fairly accepted the fact that the respondents Corporation have settled the retirement benefits to the petitioners belatedly. He also submitted that the petitioners 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, in so far as the prayer is concerned for payment of interest, 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 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

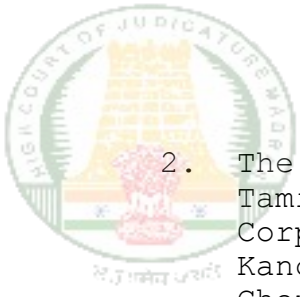
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Sub Assistant Registrar

mrn

To

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



2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kanchipuram Region,
Chennai - Bangaluru- Bye pass Road,
Kanchipuram.

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

+1 cc to Mr.S.T.Varadarajulu,Advocate Sr.No.30208

W.P.No.11338 of 2022

PA[co]
NSK/27/05/2022