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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11372 of 2022

E. Anbumani

... Petitioner

Vs.

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

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

3. The General Manager,
Tamil Nadu State Transport
Corporation (Villipuram) Ltd.,
Thiruvannamalai Region,
Thiruvannamalai - 606 604.

4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
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 the petitioner a sum of Rs.4,45,634/- towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary and commutation amount.

For petitioner : 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 the petitioner a sum of Rs.4,45,634/- towards interest for the belated payment of terminal benefits such as Gratuity, Leave Salary and commutation amount.

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

3. The petitioner was working as Senior Superintendent under the third respondent Transport Corporation and he retired from service on 30.04.2018. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, he made a representation on 30.04.2018, 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 petitioner submitted that, the respondents have settled the retirement benefits to the petitioner, without any interest and despite requests made by him, 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 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, 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 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.



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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazuthareddy,
Villupuram - 605 602.
2. The General Manager,
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Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.30209

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.30299

W.P.No.11372 of 2022

PA(CO)
SB(27/05/2022)