



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11278 of 2022

K.Jeevanandam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St.George, Chennai - 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.
3. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator, Thiruvalluvar Illam,
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 the rate of 6% per annum for the belated payment of leave salary, Provident Fund, Gratuity and Commutation as sought for in his representation dated 18.04.2022 within a time fixed by this Court.

For Petitioner : Mr.L.Chandrakumar

For R1 : Mrs.S.Anitha
Special Government Pleader

For R2 : Mr.K.Moorthy
Standing Counsel

For R3 : 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 at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in his representation dated 18.04.2022 within a time fixed by this Court.

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

3. The petitioner was working as Checking Inspector under the respondent Transport Corporation and he was retired from service on attaining the age of superannuation on 31.05.2018. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation on 18.04.2022 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 request made by him, the respondents did not pay interest for the belated payment of retirement benefits. Hence, the respondents may be directed to pay the interest amount.

5. The learned Standing Counsels 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 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 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.



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

WEB COPY

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ata/mst

To

1. The Principal Secretary,
Transport Department,
Fort St.George, Chennai - 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.30521

W.P.No.11278 of 2022

NMI [co]
NSK/27/05/2022