



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14197, 14199, AND 14200 OF 2022

R.Eswari	...Petitioner in WP.14197/2022
M.Venkatachalam	...Petitioner in WP.14199/2022
P.Eswaran	...Petitioner in WP.14200/2022

Vs.

1.Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Rep. by its Managing Director,
No.37, Mettupalayam Salai,
Coimbatore 641 043.

2.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2. ..Respondents in all Writ Petitions

Prayer in W.P.14197 of 2022 : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondentss 1 and 2 to pay the petitioner interest for the belated payment of her husbands' terminal benefits, namely P.F., Gratuity, Commuted value of pension and encashment of earned leave / sick leave at the rate of 15% per annum, within a specified time as may be fixed by this court.

Prayer in W.P.14199, 141200 of 2022 : 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 interest at the rate of 15% per annum, for the belated payment of P.F., Gratuity, earned leave salary and Commuted value of pension, within a specified time as may be fixed by this court award costs.

In all writ petitions

For Petitioner	:	Mr.R.Krishnaswamy
For respondents	:	Mr.A.Sundaravadhanam, Standing Counsel.



COMMON ORDER

By consent of counsels to both the parties, the writ petitions are disposed of today at the admission stage itself.

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2. The facts and circumstances of the case and the issues involved in the writ petitions are and one and the same. Hence, this court passes the common order.

3. The relief sought for in the writ petitions are for a Mandamus seeking direction to the respondents to pay the petitioners interest for the belated payment of terminal benefits namely, P.F., Gratuity, Commuted value of pension and encashment of earned Leave at the rate of 15% per annum, within a specified time as may be fixed by this court.

4. The case of the petitioners in brief.

The petitioners in W.P.No.14199 and 14200 of 2022 and the husband of the petitioner in W.P.14197/2022 were working as Conductor/Superintendent in the respondents' Corporation and they retired from service in the year 2018 and 2019. However, the respondent Corporation had settled the retirement benefits belatedly, without any interest. Hence, the petitioners made their individual representations on different dates to the respondent Corporation to pay interest for the belated payment of retirement benefits. However, it was not considered. Hence this writ petition.

5. The learned counsel appearing for the petitioners submitted that, the respondents Corporation have settled the retirement benefits to the petitioners, without any interest and despite request made by them, the respondents did not pay interest for the belated payment of retirement benefits. Hence, the respondents may be directed to pay the interest amount.

6. 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 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.

7. 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 in W.P.No.14199 and 141200 of 2022 and the husband of the



petitioner in W.P.No.14197 of 2022 have not already given up their right for claiming interest for the retirement benefits. It is also made clear that in default, the respondents-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioners.

8. With the above directions, the writ petitions in W.P.14197, 14199 and 141200 of 2022 stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

mst

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
No.37, Mettupalayam Salai,
Coimbatore 641 043.

2.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

+3ccs to Mr.V.Ajoy Khose, Advocate Sr.No.32936, 32933, 32932

+3ccs to Mr.A.Sundaravadhanam, Advocate Sr.No.33203, 33202,
33188

W.P.Nos.14197, 14199 and 14200 of 2022

RK(CO)
RVM(20/06/2022)