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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.12088 OF 2020

T.Kaliyaperumal

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by its Additional Chief
Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
The Tamil Nadu State Transport
Corporation (Villupuram Ltd.),
137, Salamedu, P.B.No.56,
Villupuram - 605 602.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to pay the interest at the rate of 6% till the date of payment for the belated payment of terminal benefits of the petitioner by taking into consideration the representation of the petitioner dated 18.12.2019 within a time frame stipulated by this Court.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.G.Saravanakumar
Standing Counsel
For R2

Mr.T.Chezhiyan
Additional Government Pleader
For R1



O R D E R

The relief sought for in the writ petition is for a Mandamus directing the second respondent to pay interest at the rate of 6% till the date of payment for the belated payment of terminal benefits of the petitioner, by taking into consideration the representation of the petitioner dated 18.12.2019 within a time frame stipulated by this Court

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

3. The petitioner worked under the respondent Transport Corporation as Junior Assistant from 1973 and retired from service as Assistant Manager on attaining superannuation on 31.05.2012, after rendering service of nearly 39 years.

4. According to the petitioner, the respondents have settled the retirement benefits belatedly and they have also not paid interest for the said belated payment to the petitioner. Hence, the petitioner has made a representation to the authorities concerned on 18.12.2019 to pay interest for belated payment. The petitioner has 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 Standing Counsel appearing for the 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.



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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
The Tamil Nadu State Transport
Corporation (Villupuram Ltd.),
137, Salamedu, P.B.No.56,
Villupuram - 605 602.

+2ccs to Mr.L.G.Sahadevan, Advocate, S.R.No.32759
+1cc to the Government Pleader, S.R.No.33625

W.P.NO.12088 OF 2020

SR(CO)
PBS/17/06/2022