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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14260 OF 2022

S.Jeyalakshmi

... Petitioner

.Vs.

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

... Respondent

Prayer:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest for the belated payment of petitioner's husband's terminal benefits namely, P.F., Gratuity 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.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

By consent of counsels to both the parties, this writ petition is disposed of today at the admission stage itself.

2. The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay the petitioner interest for the belated payment of her husband's terminal benefits namely, P.F., Gratuity 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.



3. The case of the petitioner in brief.

The petitioner's husband was working as a Conductor in the respondent's Corporation and he retired from service on 31.05.2019. After his retirement, he died on 16.05.2021, leaving behind the petitioner and his daughter, as his legal heirs. Though the petitioner's husband was retired from service as early as on 31.05.2019, the respondent Corporation had settled the retirement benefits only on 22.01.2021, without any interest. Hence, she made representation to the respondent on 08.02.2022 to pay interest for the belated payment of retirement benefits. However, it was not considered. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that, the respondent Corporation have settled the retirement benefits to the petitioner's husband, without any interest and despite request made by the petitioner, the respondent 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 Counsel appearing for the respondent fairly accepted the fact that the respondent Corporation have settled the retirement benefits to the petitioner's husband 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 respondent 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's husband 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



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

+1cc to Mr.A.Sundaravadhanan, Advocate, S.R.No.33201

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.32927

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RGN(CO)
PBS/29/06/2022