



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.14551 of 2022

K.Pushparaj

... Petitioner

vs.

Tamil Nadu State Transport
Corporation (Coimbatore) Limited
Rep. by its Managing Director
Mettupalayam Road
Coimbatore-43.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the petitioner interest for the belated payment of petitioner's terminal benefits, namely the P.F and gratuity at the rate of 12% for the above benefits within a specified time frame as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy &
Ms.V.Porkodi

For Respondent : Mr.A.Sundaravadhanam
Standing Counsel

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a Writ of Mandamus directing the respondent to pay the petitioner interest for the belated payment of petitioner's terminal benefits, namely the P.F and gratuity at the rate of 12% for the above benefits within a specified time frame as may be fixed by this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

4. The petitioner was employed as Special Grade Conductor under the respondent Transport Corporation and retired from service on superannuation on 30.04.2018.



However, the respondent Corporation have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 27.07.2021 to pay interest, however, the respondent Corporation have not considered it. Hence, this writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that, the respondents have settled the retirement benefits to the petitioner belatedly. Despite the petitioner made a representation dated 27.07.2021 to the concerned Authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. He has also relied on the 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.

6. The learned Standing Counsel appearing for respondent fairly accepted the fact that the respondent-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.

7. In view of the above submissions and with the consent of both parties, there shall be a direction to the respondent Corporation 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.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director
Tamil Nadu State Transport
Corporation (Coimbatore) Limited
Mettupalayam Road
Coimbatore-43

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.34759

+1cc to M/s.A.Sundaravadhanam, Advocate, S.R.No.34820

W.P.No.14551 of 2022

AD(CO)

SB(23/06/2022)