



W.P.No.15274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15274 of 2022

M. Augustin

... Petitioner

Vs.

1. The General Manager,
Tamilnadu State Transport Corporation,
Viluppuram Ltd.,
Vellore Region,
Vellore – 632009.

2. The Administrator,
Tamilnadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai -2.

... 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 18 % per annum, for the period from 31.05.2019 to 22.01.2021 in paying the amounts paid towards his terminal and pension benefits namely gratuity, EPF, earn leave salary and surrender leave salary and commutation of pension within a time frame as fixed by this Court.



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For Petitioner : Mr. S. Sivanesan

For Respondents : Mr. K. Raja,
Standing Counsel

ORDER

The relief sought for in the writ petition is for a Mandamus seeking direction to the respondent to pay interest at the rate of 18% per annum for the period from 31.05.2019 to 22.01.2021 for the belated payment of EPF, gratuity and earned leave salary and surrender leave salary and commutation of pension as sought for in his representations dated 10.05.2021 and 06.06.2022 within a time fixed by this Court.

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

3. The petitioner was working as Conductor under the respondent Transport Corporation and he was retired from service after serving for more than 26 years on 03.06.2017. At the time of retirement, he was holding the post of Special Grade Conductor. But, the respondents have settled the retirement benefits to the petitioner



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belatedly, without any interest. Hence, he made representations dated 10.05.2021 and 06.06.2022 to pay interest for the belated payment, but the respondents neither given reply nor paid 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 respondent may be directed to pay the interest amount.

5. The learned Standing Counsel 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



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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.

21.06.2022

Index:Yes/No
Internet:Yes/No
(mrn)

To



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D. KRISHNAKUMAR, J.

(mrn)

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