

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.15159 OF 2022

A.Kuppusamy

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director.
No.12, Ramakrishnan Road, Salem-7.
2. Tamil Nadu State Transport Corporation
Employees' pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam Pallavan Salai,
Chennai 600 002.

... 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 the petitioner interest at the rate of 12% per annum for the belated payment of his PF, Gratuity, Earned leave salary and commuted value of pension, within a time frame as fixed by this court.

For Petitioner : Ms.Porkodi

For Respondents : Mr.K.Raja for R1
Mr.C.S.K.Sathish for R2

ORDER

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

2. The relief sought for in the writ petition is for a Mandamus seeking direction to the respondents to pay interest at the rate of 12% per annum for the belated payment of retirement benefits, within a stipulated time fixed by this court.

3. The petitioner was working under the respondent Transport Corporation and he retired from service in the year 2018. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation. But it was not considered by the respondents. Hence, this writ petition.

4. The learned counsel appearing for the petitioners submitted that, the respondents have not paid the interest amount to the petitioner for the belated settlement of retirement benefits, despite request made by him. Hence, the respondents 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 petitioners 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 first 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 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, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director.
The Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishnan Road, Salem-7.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' pension Fund Trust,
Thiruvalluvar Illam Pallavan Salai,
Chennai 600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37243

+1cc to Mr.K.Raja, Advocate, S.R.No.37463

W.P.No.15159 of 2022

KK(CO)
RLP(14/07/2022)