

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.15263, 15265 of 2022

V.Balaji ... Petitioner in WP.15263/2022

G.Sithagounden ... Petitioner in WP.15265/2022

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director.
Erode.

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

... Respondents in both writ petitions

Prayer in W.P.No.15263 of 2022: 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 18% per annum for the period of delay from 01.04.2020 to 01.06.2021, in paying the amounts towards terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves and commutated Value of pension, within a time frame as fixed by this court.

Prayer in W.P.No.15265 of 2022: 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 18% per annum for the period of delay from 01.09.2019 to 24.01.2021, in paying the amounts towards terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves and commutated Value of pension, within a time frame as fixed by this court.

In both writ petitions

For Petitioner : Ms.Porkodi

For Respondents: Mr.A.Sundaravadanam, for R1
Mr.C.S.K.Sathish for R2

Common Order

By consent of counsels to both the parties, the writ petitions are disposed of at the admission stage itself.

2. The relief sought for in both the writ petitions are for a Mandamus seeking direction to the respondents to pay interest at the rate of 18% per annum for the belated payment of retirement benefits.

3. The facts and circumstances of the case and the issues involved in both the writ petitions are one and the same and hence this court passes the common order.

4. The petitioners were working under the respondent Transport Corporation and they retired from service in the year 2019 and 2020. But, the respondents have settled the retirement benefits to the petitioners belatedly, without any interest. Hence, they made their individual representations to pay interest for the belated payment. But it was not considered by the respondents. Hence, these writ petitions.

5. The learned counsel appearing for the petitioners submitted that, the respondents have settled the retirement benefits to the petitioners, without any interest and despite requests made by them, the respondent did not pay interest for the belated payment of retirement benefits. Hence, the respondents may be directed to pay the interest amount.

6. The learned Standing Counsel appearing for the respondents Corporation 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 petitioners are 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 to pay penal interest at the rate of 4% per annum for the belated payment of retirement benefits to the petitioners, within a period of four months from the date of receipt of a copy of this order, subject to the condition that if the petitioners have 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 have to pay the interest amount at the rate of 6% per annum to the petitioners.

8. With the above directions, the writ petitions in W.P.15263, 15265 of 2022 stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Regions, Erode.
2. 2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+2cc to M/s.A.Sundaravadhanan, Advocate, S.R.No.38032,38062
+2cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37237, 37236

W.P.Nos.15263, 15265 of 2022

RSV(CO)
SB(13/07/2022)