

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.15177, 15180, 15181
AND 15183 OF 2022

R.Prabakaran

... Petitioner in
W.P.No.15177 of 2022

B.Murali

... Petitioner in
W.P.No.15180 of 2022

S.Subramanian

... Petitioner in
W.P.No.15181 of 2022

S.Karunanidhi

... Petitioner in
W.P.No.15183 of 2022

.Vs.

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

... Respondents in
all writ petitions

PRAYER IN W.P.NO.15177 OF 2022:-

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 at the rate of 18% per annum for the period of delay from 01.07.2019 to 24.01.2021, in paying the amounts paid towards the Petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves, within a stipulated time frame as fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

PRAYER IN W.P.NO.15180 OF 2022:-

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 at the rate of 18% per

annum for the period of delay from 01.07.2018 to 21.09.2019, in paying the amounts paid towards the Petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves, within a time fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

PRAYER IN W.P.NO.15181 OF 2022:-

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 at the rate of 18% per annum for the period of delay from 01.07.2019 to 24.01.2021, in paying the amounts paid towards the Petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves, within a time fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

PRAYER IN W.P.NO.15183 OF 2022:-

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 at the rate of 18% per annum for the period of delay from 01.01.2020 to 24.01.2021, in paying the amounts paid towards the Petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of earned/Sick leaves, within a stipulated time fixed by this Court and without affecting his right to claim balance amounts towards those benefits.

IN ALL WRIT PETITIONS

For Petitioner : M/s.Porkodi
For Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadanam

COMMON ORDER

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

2. The relief sought for in 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 all 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 2018, 2019, 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 respondent. 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 respondent 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.Nos.15177, 15180, 15181 and 15183 of 2022 are disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mst

To

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore.

+4ccs to Mr.A.Sundaravadanam, Advocate, S.R.Nos.38033, 38034,
38035, 38065

+4ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.37238 to 37241

W.P.NOS.15177, 15180, 15181
AND 15183 OF 2022

RLD(CO)
PBS/14/07/2022