

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 15542 of 2022

N.Mohankumar

...Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy Post,
Salamedu,
Villupuram- 605 602.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore - 9.
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents to disburse the payments relating to belated payment of interest amount of Gratuity, Earned Leave Salary, Commutation amounts and other benefits likes, Social Welfare Scheme amount, ERBS, last month 10 days salary and IRT Share amount, with effect from 01.11.2018 within the stipulated time as fixed by this Court.

For Petitioner : Mr. N. Desinghu

For Respondents : Mr. Aswin
Standing Counsel

ORDER

The writ petition is filed for the issuance of a writ of Mandamus, directing the respondents to disburse the payments

relating to belated payment of interest amount of Gratuity, Earned Leave Salary, Commutation amounts and other benefits likes, Social Welfare Scheme amount, ERBS, last month 10 days salary and IRT Share amount, with effect from 01.11.2018 within the stipulated time as fixed by this Court.

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

3. The petitioner was working as Driver under the respondent Transport Corporation and he retired from service on attaining the age of superannuation on 31.10.2018. At the time of retirement, he was holding the post of Senior Grade Driver. But, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, he made representation dated 30.05.2022 to pay interest for the belated payment, but the respondents neither given reply nor pay 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 requests made by him, the respondents did not pay interest for the belated payment of retirement benefits. He has also relied on a 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.

5.The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondents 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.

6.In view of the above submissions and with the consent of both parties, in so far as the first limb of the prayer is concerned for payment of interest, 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 a twelve weeks from the date of receipt of a copy of this order, subject to the condition that if the petitioner has 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 petitioner. In so far as second limb of the prayer is concerned, the respondents are directed to consider the representation dated 30.05.2022 of the petitioner on merits and in accordance

with law and pass orders as expeditiously as possible within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy Post, Salamedu,
Villupuram- 605 602.
2. The General Manager,
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Vellore Region,
Rangapuram,
Vellore - 9.
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.N.Desinghu, Advocate, S.R.No.39076

+1cc to Mr.M.Aswin, Advocate, S.R.No.39765

W.P. No. 15542 of 2022

(CO)
RGA(13/07/2022)