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WP.No.17016, 17018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17016, 17018 of 2022

A.Muruganandham .. Petitioner in W.P.17016/2022

S.Madeswaran .. Petitioner in W.P.17018/2022

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region, rep. by its Managing Director,
Erode.

... Respondent

Prayer in W.P.17016: 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 @ 18% for the period of delay from 01.06.2019 to 24.01.2021 in paying the amounts towards the terminal benefits namely EPF Employee's Contribution, Gratuity, within a time frame as fixed by this court, without affecting his right to claim balance amounts towards those benefits.

Prayer in W.P.17018: 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 @ 18% for the period of delay from 01.08.2018 to 21.09.2019 in paying the amounts towards the terminal benefits namely EPF Employee's Contribution, Gratuity



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and encashment of Earned/Sick leaves, within a time frame as fixed by this court, without affecting his right to claim balance amounts towards those benefits.

In both the cases

For Petitioners : Mr.V.Ajoy Kosh

For Respondent : Mr.A.Sundaravadanam

COMMON ORDER

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

2. The relief sought for in the writ petitions is 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 to the petitioners.

3. The petitioners were working as Conductor under the respondent Transport Corporation and they retired from service in the year 2018, 2019. But, the respondent Corporation has settled the retirement benefits to the petitioners belatedly, without any interest.



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Hence, they made their individual representations to pay interest for the belated payment. But it was not considered. Hence, the writ petitions have been filed.

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

5. The learned Standing Counsel appearing for the respondent Corporation fairly accepted the fact that the petitioners were settled retirement benefits 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.

6. 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



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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.

7. With the above directions, the writ petitions in W.P.17016, 17018 of 2022 stands disposed of. No costs.

06.07.2022

Index:Yes/No
Internet:Yes/No
mst

To

The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region, Erode.



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D. KRISHNAKUMAR, J.

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