



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18256 of 2021

K.Venkatesan,

Conductor Staff No.70144 (Retd)

...Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd,  
Vazhuthareddy, Salamedu,  
Villupuram 605 602.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,  
Vellore Region, Rangapuram,  
Vellore 600 009.

3.The Administrator,  
Tamil Nadu State Transport Corporation Employees  
Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House Pallavan Salai,  
Chennai 600 002.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the payment relating to interest amount of Gratuity, Earned Leave Salary and Commutation and other benefits likes, EL Surrender Arrears and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2019 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.N.Desinghu  
For R1 & R2 : Mr.G.Saravana Kumar  
For R3 : Mr.C.S.K.Sathish



## O R D E R

The relief sought for in the writ petition is for a Mandamus directing the respondents to disburse the payment to the petitioner relating to interest amount of Gratuity, Earned Leave Salary and Commutation and other benefits like, EL Surrender Arrears and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2019 within the stipulated time.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner was appointed as a Conductor in Tamil Nadu State Transport Corporation (Villupuram) Ltd., Vellore Region, Rangapuram, and retired from service on attaining the age of superannuation on 30.06.2019 as Selection Grade Conductor. However, the respondents have settled the retirement benefits to the petitioner belatedly, without any interest. Hence, the petitioner made a representation on 23.07.2021 to pay interest, however, the respondents have not considered it. Hence, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that, though the petitioner made a representation to the concerned authorities to pay the interest for the belated payment of retirement benefits, the respondents have not paid the same. Further, he would also rely on a Division Bench decision of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Division Bench of this Court has fixed interest at the rate of 6% per annum for the belated payment of retirement benefits and on the same line, orders may be passed in the present writ petition.

5. The learned counsel appearing for respondents fairly accepted the fact that the respondents-Corporation have settled the retirement benefits to the petitioner belatedly and further 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, there shall be a direction to the respondents to pay the penal interest at the rate of 4% per annum on the belated payment of the retirement benefits for the period from the date of the retirement till the date of actual disbursement,



as expeditiously as possible and in any event, 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 their right for claiming interest for the retirement benefits. It is also made clear that in default, the respondent-Corporation shall pay interest at the rate of 6% per annum to the petitioner.

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

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

Dua  
To

- 1.The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd,  
Vazhuthareddy, Salamedu,  
Villupuram 605 602.
- 2.The General Manager,  
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Chennai 600 002.

+1 CC to Mr.N.Desinghu, Advocate sr 20232  
+1 CC to Mr.G.Saravana Kumar, Advocate sr 20718.

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PMK (CO)  
SP(06/04/2022)