



WEB COPY



W.P. No.24981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.24981 of 2022

M.Sampath Raja

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Represented by its Managing Director,
Villupuram.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region, Cuddalore.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai – 2.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity and Terminal Leave Salary from the date of his retirement to till the date on which the said benefits were settled to him.



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For Petitioner : Mr.S.Gunaseelan
For Respondents : Ms.S.Pavithra
Standing Counsel (for R1 & R2)
: Mr.C.S.K.Sathish
Standing Counsel (for R3)

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to settle interest at the rate of 6% per annum for the belated payment of petitioner's terminal benefits including Gratuity and Terminal Leave Salary from the date of his retirement to till the date on which the said benefits were settled to him.

2. The petitioner was working as Assistant at the 2nd respondent Transport Corporation and on superannuation he retired from service on 30.09.2019. Though he retired on 30.09.2019 and has been relieved for retirement, his retirement cum pensionary benefits were paid by the respondent Transport Corporation only on 21.01.2021. Therefore for such belated payment, since the petitioner is entitled to claim for interest, he has made a request to that effect also to the respondent Transport Corporation to pay the interest for the belated payment of retirement benefits at 6% per annum since the said interest has not so far been paid, he has filed the present writ petition.



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3. Reiterating the aforestated, Mr.S.Gunaseelan, learned counsel appearing for the petitioner seeks indulgence of this Court to issue a direction.

4. Heard Ms.S.Pavithra, learned Standing Counsel appearing for respondents 1 and 2 and Mr.C.S.K.Sathish, learned Standing Counsel for the 3rd respondent who would submit that the petitioner has given a request for interest only at a later point of time as he had not raised any claim with regard to interest immediately after getting such retirement benefits and moreover seeking of 6% interest is on the higher side, therefore the learned Standing Counsel appearing for the respondents submits that the plea raised by the petitioner for 6% interest is not feasible for compliance.

5. I have considered the said submissions made by both sides and perused the materials placed before this Court.

6. Admittedly the petitioner was retired from service on 30.09.2019, therefore within a reasonable period of atleast within one month period, this retirement benefits could have been settled to the



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petitioner by the respondent Transport Corporation, however, the benefits have been settled to the petitioner only on 21.01.2021 i.e. after more than 1 ½ years. Therefore, there is a delay on the part of the respondents in disbursing the benefits, hence the petitioner would be entitled to seek interest for such belated payment which can be calculated at 4% as in number of cases of similar nature this Court has granted only 4% interest eligible to be paid for such employees who retired and get retirement benefits belatedly.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the respondents especially the 2nd respondent to pay interest at the rate of 4% per annum for the belated payment of retirement benefits from the date of due till the date of payment as referred to above within a period of eight weeks from the date of receipt of a copy of this order.

(ii) It is made clear that within the time stipulated if the interest has not been paid, that would carry further interest of 4% in addition to the earlier 4% interest ordered.



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WEB COPY 8. With these directions, this Writ Petition is disposed of. No costs.

16.09.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Represented by its Managing Director,
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- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
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R.SURESH KUMAR, J.

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