



WEB COPY



W.P. No.28294 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.28294 of 2022

N. Nandagopal

...Petitioner

VS.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu,
Vallatha Reddy Post,
Villupuram – 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 01.02.2022 and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues and award cost.

For petitioner : Mr.S. Ravi



WEB COPY



W.P. No.28294 of 2022

For respondents : Mr. L.S.M. Hasan Fizal,
Addl. Govt. Pleader for R1
Mr.C.S.K. Sathish for R2.

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader accepts notice for the 1st respondent and Mr.C.S.K. Sathish, learned counsel for the 2nd respondent.

3. This writ petition has been filed seeking for payment of interest for the belated payments of the retirement benefits to the petitioner based on the petitioner's representation dated 01.02.2022, within a time frame to be fixed by this Court.

4. Heard Mr.S. Ravi, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for the 1st respondent and Mr.C.S.K. Sathish, learned counsel for the 2nd respondent.



W.P. No.28294 of 2022

5. It is settled law as laid down by various decisions of this Court that the employer is liable to pay interest at 4% p.a. for the belated payments of the retirement benefits. In the case on hand, the petitioner claims that his retirement benefits were paid belatedly by the respondents and therefore, he is entitled for interest for the said retirement benefits. The petitioner has given a representation on 01.02.2022 for the said purpose. Since the representation has not been considered, he has filed this writ petition.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law in the light of the settled law, which prescribes that the employer shall pay interest at 4% per annum for the belated payment of the retirement benefits.

7. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioner's representation dated 01.02.2022 seeking for payment of interest for the belated payments of the retirement benefits, within a period of eight weeks from the date of receipt of a copy of this order in the light of the settled law viz., that the employer shall pay interest at 4% p.a. for the belated payment of the retirement benefits.



W.P. No.28294 of 2022

8. With the aforesaid directions, this writ petition is disposed of.

No costs.

26.10.2022

(1/2)

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2



WEB COPY



W.P. No.28294 of 2022

ABDUL QUDDHOSE, J.

vsi2

To :

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu,
Vallatha Reddy Post,
Villupuram – 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

W.P. No.28294 of 2022

26.10.2022

(1/2)