



W.P. No.30093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.30093 of 2022

V. Santhi

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore – 632 009.

3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna 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 pay interest to the petitioner at the rate of 6% per annum for the belated payment of Gratuity,



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Earned Leave Salary and commuted value of pension paid to her deceased husband Mr.P.Venkatesan, (Pay Roll No.15375).

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For Petitioner	...	Mr.P. Manoj Kumar
For Respondents	...	Ms.S. Pavithra
		Standing counsel for R1
		Mr.C.S.K. Sathish,
		Government Advocate 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. Ms.S. Pavithra, learned Standing counsel accepts notice for the 1st respondent and Mr.C.S.K. Sathish, learned Government Advocate accepts notice for the 2nd respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay interest to the petitioner at the rate of 6% per annum for the belated payment of Gratuity, Earned Leave Salary and commuted value of pension to the petitioner's deceased husband P.Venkatesan, within a time frame to be fixed by this Court.

4. Even though a positive direction has been sought for in this writ petition, the learned counsel for the petitioner would submit that the petitioner will be satisfied, if her representation is considered on merits and in



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accordance with law. The petitioner claims that her husband P.Venkatesan was working with the respondent / Transport Corporation and he retired from service on 30.06.2019, The petitioner also claims that her husband P.Venkatesan died on 08.05.2021. However, according to her, the retirement benefits were paid belatedly to P.Venkatesan. He was paid the retirement benefits only on 22.01.2021. In such circumstances, the petitioner as a Legal Heir of the deceased P.Venkatesan, is entitled for interest for the belated payment of retirement benefits to P.Venkatesan. The petitioner has given a representation on 12.09.2022 seeking for payment of interest at the rate of 6% p.a. Since the representation has not been considered, till date, she has filed this writ petition.

5. It is settled law as laid down by various decisions of this Court that in case of belated payment of retirement benefits, the employee is entitled for interest at the rate of 4% per annum for the said belated payment.

6. No prejudice would be caused to the respondents, if the petitioner's representation seeking for payment of interest for the belated payment is considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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7. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 12.09.2022 seeking for payment of interest for the belated payment of the retirement benefits to her deceased husband P.Venkatesan, within a period of eight weeks from the date of receipt of a copy of this Order.

8. It is made clear that in case of belated payment of retirement benefits, the employee is entitled for interest at the rate of 4% per annum.

9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2022

(½)

Index: Yes/ No

Internet : Yes / No

Speaking Order/Non-speaking Order

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To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

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2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
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3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
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ABDUL QUDDHOSE, J.

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