



W.P.(MD)No.5561 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.5561 of 2020**

K.Govindarajulu

... Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Kumbakonam - 1.

2. The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Kumbakonam - 1.

3. The Administrator,  
Tamil Nadu State Transport Corporation Employees Pension,  
Fund Trust, Pallavan Salai,  
Chennai - 600 002.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records connected with the impugned order passed by the second respondent in TNSTC/Kum/Legal/L2/2169/2020 dated 07.03.2020, quash the same and consequently, direct the respondents to settle the interest at the rate of 18% per annum on the belated payment of differential terminal benefits such as Gratuity, Surrender Leave Salary and Commutation of



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Pension from the date of retirement on 30.06.2008 till the date of settlement on 20.08.2019 in the light of the judgment of the Hon'ble Supreme Court reported in 2000 (3) LLN 1 dated 31.01.2000 and for award of cost of Rs.5,000/- towards litigation expenses for forcing the retired petitioner to approach this Court repeatedly for claiming terminal benefits and interest on the belated payment differential terminal benefits and also to direct the respondent for furnishing the working sheet for settlement of the differential benefits as was settled reduced benefits.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Balasubramanian

### ORDER

This Writ Petition has been filed to call for the records of the impugned order passed by the second respondent vide proceedings in TNSTC/Kum/Legal/L2/2169/2020 dated 07.03.2020, quash the same and consequently, direct the respondents to settle the interest at the rate of 18% per annum on the belated payment of differential terminal benefits, such as, Gratuity, Surrender Leave Salary and Commutation of Pension from the date of retirement on 30.06.2008 till the date of settlement on 20.08.2019 in the light of the judgment of the Hon'ble Supreme Court in the case of *Vijay L.Mehrotria vs. State of Uttar Pradesh and others* reported in 2000 (3)



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**LLN 1**, dated 31.01.2000 and for award of cost of Rs.5,000/- (Rupees Five Thousand only) towards litigation expenses for forcing the retired petitioner to approach this Court repeatedly for claiming terminal benefits and interest on the belated payment and also, direct the respondents for furnishing the working sheet for settlement of the differential benefits as was settled reduced benefits.

2. The case of the petitioner is that the petitioner retired from service as Senior Grade Assistant Engineer on 30.06.2008. The petitioner's claim is that the respondents are liable to pay belated payment interest on the delayed payment of the difference in Gratuity, Surrender Leave Salary and Commutation of Pension. The petitioner has made a representation on 22.08.2019 to the respondents to pay the interest on the belated payment of terminal benefits, but the same has not been considered. Hence, the petitioner has filed a Writ Petition in W.P.(MD)No.2169 of 2020 for granting differential terminal benefits. This Court, by order, dated 04.02.2020, directed the respondents to consider the representation of the petitioner, dated 22.08.2019. But the second respondent has passed the



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impugned order, dated 07.03.2020. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is entitled to receive the interest on the belated payment of terminal benefits in terms of G.O.(Ms).No.122, Finance (Pension) Department, dated 20.02.1995 and in light of the judgment of the Hon'ble Supreme Court of India in the case of *Vijay L.Mehrotria vs. State of Uttar Pradesh and others* reported in **2000 (3) LLN 1**. However, in the present case, without furnishing the calculation sheet, the second respondent has mechanically rejected the petitioner's representation. Accordingly, he prayed for appropriate orders.

4. The learned counsel appearing for the respondents would submit that after a lapse of ten years, the petitioner has filed a Writ Petition in W.P.(MD)No.24930 of 2018 and this Court, by its order, dated 21.01.2019, directed the respondents to determine the benefits on the basis of the re-fixation of the salary and pay the same within a period of eight



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weeks from the date of receipt of a copy of the court order. The petitioner retired from service on 30.06.2008. As per the Government Order relating to VI Pay Commission, this has been effected to the cadre, like the petitioners, only from 17.06.2009 and the respondents have settled the eligible difference amount in Gratuity as Rs.36,332/-, Leave Salary as Rs.31,048/- and Commutation as Rs.41,045/- to the petitioner. Hence, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioner retired from service on 30.06.2008. A perusal of the representation, dated 22.08.2019 reveals that the difference of pay in leave salary, gratuity and commutation. Without furnishing the calculation sheet, the second respondent has passed the present impugned order dated 07.03.2020.



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7. Considering the facts and circumstances of the case that the issue involved in the present Writ Petition is a disputed fact, which cannot be decided in the present Writ Petition. However, this Court, without interfering the order impugned in the present Writ Petition, directs the respondents to calculate the period for belated interest at 4% per annum and furnish the calculation sheet to the petitioner within a period of four weeks from the date of receipt of a copy of this order, enabling the petitioner to work out the remedy in the manner known to law.

8. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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