



WEB COPY

W.P.(MD)No.10882 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.10882 of 2022

Sumathi

... Petitioner

/vs./

1.The Management of Tamil Nadu,
State Transport Corporation (Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai-10.

2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Dindigul Region, Dindigul.

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

... Respondents

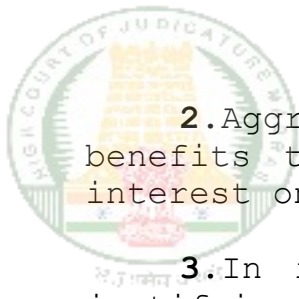
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents herein to pay the interest to the petitioner at the rate of 12 percentage per annum for the belated payment of Rs.21,62,199/- towards her husbands retirement benefits namely Provident Fund, Leave Salary and Gratuity from the dated of her husbands retirement i.e. on 29.02.2020 till the date of full settlement on 02.06.2021 by considering her representation dated 28.03.2022 and within the time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

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



2. Aggrieved against the belated settlement of the terminal benefits to the petitioner's husband, the petitioner has claimed interest on the belated payment in this Writ Petition.

3. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD) No.26481 of 2019, the following order came to be passed:-

"5. I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6. In the light of the above observations, there shall be a direction to the respondent / Corporation to pay the penal interest at the rate of 6% 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, not before the expiry of three months from the date of receipt of a copy of this order."

4. This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5. At this juncture, Mr. J. Senthil Kumaraiah, learned Standing Counsel appearing for the respondent Corporation would submit that owing to the Covid-19 pandemic situation and non-plying of buses for a considerable time, there has been a heavy revenue loss for the Corporation and therefore, the period of payment spread over three months as, ordered in the earlier Writ Petition, can be extended, so as to enable them to pay the interest amount, within a period of six months.

6. The learned counsel for the petitioner also does not have any objections to the same.

7. In this background, there shall be a direction to the respondents to pay the interest to the petitioner at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three (3) months from the date of receipt of a copy of this order.



8.This Writ Petition stands partly allowed in accordance with the above terms. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

TM/VSM

To:

- 1.The Managing Director,
Management of Tamil Nadu,
State Transport Corporation (Madurai) Limited,
Bye-Pass Road, Madurai-10.
- 2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Dindigul Region, Dindigul.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai- 600 002.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-26809[F] dated 20/06/2022)

W.P. (MD)No.10882 of 2022

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_RD(24.06.2022) 3P 5C