



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2022

CORAM:

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

W.P. (MD)No.11920 of 2022

T.Ganapathy

... Petitioner

/vs./

1.The Managing Director,
Tamilnadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli.

2.The General Manager,
Tamilnadu State Transport Corporation
Tirunelveli Limited,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pension Trust,
Thiruvallur 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 to pay the 12% interest for the belated payment of the petitioner retirement benefits i.e., Provident Fund, Gratuity, E.L and M.L salary, Surrender Leave Salary and all other retirement benefits from the date retirement to the actual date of payment of retirement benefits to the petitioner and pay the same to the petitioner within the time frame to be fix by this Court and pass such further or other orders as this Court.

For Petitioner : M/s.N.S.Ramakrishna Dass
For Respondents : Mr.R.Rajamohan
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, he 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.R.Rajamohan, 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.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

btr/vji

To

- 1.The Managing Director,
Tamilnadu State Transport Corporation Tirunelveli Limited,
Tirunelveli.
- 2.The General Manager,
Tamilnadu State Transport Corporation Tirunelveli Limited,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.
- 3.The Administrator,
Tamilnadu State Transport Corporation Employees Pension Trust,
Thiruvallur House,
Pallavan Salai, Chennai-600 002.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-26222[F] dated 16/06/2022)

Order made in
W.P.(MD)No.11920 of 2022

Dated:16.06.2022

NSN (CO)

GC(24.06.2022) 3P 5C