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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.06.2022**
CORAM:
THE HONOURABLE **MR.JUSTICE M.S.RAMESH**
W.P.(MD)No.13337 of 2022

A.Shanmugasundaram ... Petitioner

/vs./

The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
23/2, Kattaboman Nagar,
Tirunelveli-627 011. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to pay interest at the rate of 6 percent per annum to the petitioner for the belated payment of Gratuity, Provident Fund and Leave Salary from the date of retirement to the date of actual payment.

For Petitioner : Mr.C.Thangamani
For Respondent : Mr.D.Jebaraj
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*

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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 respondent 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.D.Jebaraj, 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 respondent 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 allowed in accordance with the above terms. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

btr

To

The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
23/2, Kattaboman Nagar,
Tirunelveli-627 011.

+1 CC to M/s.D. JEBARAJ, Advocate (SR-28579[F] dated 28/06/2022)

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+1 CC to M/s.C. THANGAMANI, Advocate (SR-29097[F] dated 30/06/2022)

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