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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2022**

CORAM:

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

W.P.(MD)No.20250 of 2022

M.Chandrasekaran ... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Periyamilagupaarai,
Trichy Region,
Tiruchirappalli District.

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

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PRAYER**:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits along with Gratuity, Earned Leave, Commutation of Pension, Provident Fund and other retirement benefits payable to the petitioners with 18 percent rate of interest within the time frame that may be stipulated by this Court.

For Petitioner	:	Mr.N.Sudhagar Nagaraj
For R-1	:	Mrs.D.Farjana Ghoushia Special Government Pleader
For R-2 & R-3	:	Mr.K.Jagadees Balan Standing Counsel
For R-4	:	Mr.S.C.Herold Singh 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.

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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.

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5. At this juncture, Mr.K.Jagadees Balan, 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.

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8. This Writ Petition stands partly allowed in accordance with the above terms. There shall be no order as to costs.

30.08.2022

Index : Yes / No
Internet : Yes / No
btr/cp

To

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M.S.RAMESH, J.

btr/cp

Order made in
W.P.(MD)No.20250 of 2022

Dated:
30.08.2022

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