



WP(MD)No.20901 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20901 of 2022

C.Radhamoni

... Petitioner

-Vs-

1.The Managing Director,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tirunelveli.

2.The General Manager,

Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

3.The Administrator,

Tamil Nadu State Transport Corporation,
Employees Pensions Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents



WP(MD)No.20901 of 2022

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to pay the 6% 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 to the petitioner and pay the same to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For R1 and R2 : Mr.D.Jebaraj,
Standing Counsel

For R3 : 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.



WP(MD)No.20901 of 2022

WEB COPY

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.



WP(MD)No.20901 of 2022

WEB COPY

5. At this juncture, Mr.D.Jebaraj, learned Standing Counsel appearing for the respondents 1 and 2 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.



WP(MD)No.20901 of 2022

WEB COPY

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

02.09.2022

Index : Yes / No

Internet : Yes / No

Myr / Rmk

TO:

1.The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

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



WEB COPY



WP(MD)No.20901 of 2022

M.S.RAMESH, J.

Myr / Rmk

Order made in
W.P.(MD)No.20901 of 2022

Dated:
02.09.2022