



WEB COPY



W.P.No.5059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5059 of 2023

V.Dhanapal

...Petitioner

Vs

1.The Management of Tamil Nadu
State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
Salem.

2.The Administrator,
Tamil Nadu State Transport
Employee's Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.06.2018 to 22.09.2019, in paying the amount paid towards his terminal and pension benefits, namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, within a time frame.



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For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.K.Raja

ORDER

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

2. Aggrieved against the belated settlement of the terminal benefits, 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 case of ***S.P.Ramasamy Vs. The Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd. and others*** passed in ***W.P.(MD).No.26481 of 2019, dated 13.12.2019***, the following order came to be passed:-

"5.I am not in agreement with the said representation made. There was already a duty cast



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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 first 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. In the light of the above findings, there shall be a direction to the first respondent herein to pay interest on the belated payment of the



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terminal benefits to the petitioner at the rate of 6% per annum, commencing from the date of his retirement, till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands ordered. No costs.

22.02.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Salem) Ltd.,
Salem.

2.The Administrator,
Tamil Nadu State Transport
Employee's Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
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M.S.RAMESH,J.

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