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W.P.No.5299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5299 of 2023

A.Thiruvengadam

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George, Chennai - 9.

2.The Managing Director,
State Express Transport
Corporation (Villupuram) Ltd.,
Villupuram.

3.Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 6% per annum for the belated payment of his Leave



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Salary, Provident Fund, Gratuity and Commutation as sought for in his representation dated 03.02.2023 within a time stipulated.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.Sivasubramani

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 herein had made a representation to the second respondent herein on 03.02.2023 claiming interest on the belated payment. Since the said representation was not considered, the present Writ Petition has been filed.

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



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order came to be passed:-

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"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 second 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.



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

23.02.2023

Index: Yes/No

Speaking order/Non-speaking order

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- 1.The Principal Secretary,
Transport Department,
Fort St. George, Chennai - 9.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram - 605 602.
- 3.The Administratory,
Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.



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M.S.RAMESH,J.

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