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W.P.No.6158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6158 of 2023

1.K.Ramesh Babu

2.M.Gunaseelan

3.D.Thilagavathy

...Petitioners

Vs

M/s.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
Salamedu, Vazhuthareddy Post,
Villupuram - 605 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to settle 6% interest for the belated settlement of terminal benefits and 10 days salary to the 1st petitioner herein by considering the representation of the 1st petitioner dated 17.01.2023, to settle entire terminal benefits with 6% interest to the 2nd respondent by considering the representation of the 2nd petitioner dated 30.11.2022 and to settle 6% interest for the belated settlement of terminal benefits to the 3rd petitioner by considering



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the representation of the 3rd petitioner dated 22.12.2022 as per the table enclosed in the Writ Petition.

For Petitioners : Mr.D.Soundar Raj

For Respondent : Mr.R.Venkatesa Perumal

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 and non-settlement of the terminal benefits, the petitioners have preferred the present Writ Petition.

3. Insofar as the first and third petitioners' claim for interest on the belated payment of terminal benefits is concerned, 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:-



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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 respondent herein could be directed to pay the interest on the belated payment of the terminal benefits, at the rate of 6% per annum, to the first and third petitioners herein, as ordered in the above Writ Petition.



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5. Insofar as the second petitioner's claim for payment of the terminal benefits is concerned, this Court is of the view that the respondent herein could be directed to consider the representation of the second petitioner dated 30.11.2022 within a stipulated time.

6. Accordingly, there shall be a direction to the respondent herein to consider the second petitioner's representation dated 30.11.2022, seeking for payment of the terminal benefits, on its own merits and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the second petitioner and it is open to the respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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To

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Salamedu, Vazhuthareddy Post,
Villupuram - 605 002.



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M.S.RAMESH,J.

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