



W.P.No.9754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9754 of 2023

K.Sankaran

... Petitioner

Versus

The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to disburse the difference sum of interest paid towards the belated disbursement of the petitioner's commuted value of pension with further interest at the rate of 6% per annum from the said date of entitlement to till the date of actual payment within a time limit to be stipulated by this Court.

For petitioner : Mr.J.Lakshminarayanan



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ORDER

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This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the respondent to disburse the difference sum of interest paid towards the belated disbursement of the petitioner's commuted value of pension with further interest at the rate of 6% per annum from the said date of entitlement till the date of actual payment, within a time limit to be stipulated by this Court.

2. The petitioner was working as Traffic Inspector in the Tamil Nadu State Transport Corporation (Villupuram) Ltd., Vellore Region and retired from service on 31.01.2020. Though he had retired from service, he has not been sanctioned retirement benefits of Gratuity, Earned Leave Salary and Commuted Value of pension, but the same was sanctioned only on 02.06.2021 with a delay of 487 days and therefore, the petitioner has filed a Writ Petition in W.P.No.17283 of 2021, seeking interest for the belated disbursement of his retirement benefits and the same was disposed of on 23.08.2021 with a direction to the respondent to pay the interest at the rate of 4% per annum to the petitioner for the belated payment of gratuity, leave salary, etc., within a period of six months in six equated monthly instalments.



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3. Pursuant to the said order of this Court, the petitioner was sanctioned interest for the belated disbursement of Gratuity and Earned Leave Salary, but however with regard to the payment of interest on commuted value of pension, he has been disbursed with a sum of Rs.3425/- only on 22.12.2021 instead of Rs.46,374/-. The commuted value of pension is also liable to be disbursed on the next date of retirement, but admittedly, it was disbursed with a delay of 487 days and there is no dispute over the same. In the said circumstances, grant of lesser sum has no valid basis and the petitioner is entitled for actual sum of interest as sought for and therefore, he sent a detailed representation dated 18.07.2022 to the respondent herein, seeking for difference in payment of interest for the belated payment of commuted value of pension and the same was not considered by the respondent and no orders were passed till date, and hence, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner submitted that the respondent has disbursed the retirement benefits of Gratuity, Earned Leave Salary and Commuted Value of Pension to the petitioner belatedly. Therefore, the petitioner made a representation dated 18.07.2022 to the respondent to pay the difference in payment of interest for the belated



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payment of Commuted Value of Pension. Despite that, the respondent has not paid the same. Hence, he prays to give a direction to the respondent to pay the difference sum of interest paid towards the belated disbursement of the petitioner's commuted value of pension with interest at the rate of 6% per annum from the date of entitlement till the date of actual payment.

5. In view of the above submissions, without expressing any opinion on the merits of the case, this Court directs the respondent to pay the difference sum of interest paid towards the belated disbursement of the petitioner's commuted value of pension at the rate of 4% per annum, subject to the eligibility, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No order as to costs.

30.03.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
ssi



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To
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V.BHAVANI SUBBAROYAN, J.

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