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W.P.Nos.35022 & 35025 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.35022 & 35025 of 2023

R.Varadharajan
A.Anbalagan

...Petitioner in W.P.No.35022 of 2023
...Petitioner in W.P.No.35025 of 2023

Vs

1.The State of Tamil Nadu
rep. By its Principal Secretary,
Transport Department,
Fort St.George, Chennai – 9.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Salem.

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

...Respondents in both petitions

COMMON 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 leave salary, Provident Fund, gratuity and commutation as



W.P.Nos.35022 & 35025 of 2023

sought for in his representation dated 08.11.2023 within a time to be stipulated by this Court.

(In both petitions)

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader (For R1)

Mr.CSK,Sathish, Standing counsel (R3)

Mr.K.Raja, Standing counsel (R2)

COMMON ORDER

With the consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. Aggrieved against the belated settlement of the terminal benefits to the petitioners, they have 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 order dated 13.12.2019 in W.P.(MD).No.26481 of 2019, the following order came to be passed:-



W.P.Nos.35022 & 35025 of 2023

"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.



W.P.Nos.35022 & 35025 of 2023

WEB COPY

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 petitioners at the rate of 6% per annum, commencing from the date of their 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 Petitions stand ordered. No costs.

18.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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W.P.Nos.35022 & 35025 of 2023

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W.P.Nos.35022 & 35025 of 2023

M.S.RAMESH,J.

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