



W.P.(MD)No.26361 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 26361 of 2019

M.Mahendran

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep. by its The Managing Director,
Bye-Pass Road,
Madurai.

2.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs.73,892/- towards difference in interest for the belated payment of commuted value of pension of Rs.8,56,273/- as ordered in Para 4(iii) of WP(MD). No.18942 of 2018 dated 31.8.2018 filed by the petitioner.



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For Petitioner : Mr.A. Rahul
For Respondents : Mr.J.Senthil Kumaraiah

ORDER

This writ petition is filed for Writ of Mandamus, directing the respondents to pay a sum of Rs.73,892/- difference in interest for the belated payment of commuted value of pension of Rs.8,56,273/- as ordered in Para 4(iii) of W.P.(MD)No.18942 of 2018 dated 31.8.2018.

2. The petitioner was serving in the respondents' corporation and retired from service on 31.05.2018 under Voluntary Retirement Service.

3. Since terminal benefits were not settled to the petitioner, he has preferred a writ petition in W.P.(MD)No.18942 of 2018. After considering the case of the petitioner in the light of the W.A(MD)No.383 to 457 of 2015, this Court directed the respondents to pay the terminal benefits in monthly installments with applicable interest. This Court further directed the respondents to pay the benefits in 12 monthly equal installments commencing from October



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2018 with 6% interest, in default to pay 18% interest. Since the same was not complied, the petitioner had filed CONT.P(MD)No.841 of 2019. Pending the contempt petition, the respondents have paid two installments with 6% interest. As per calculation, the interest payable to the petitioner is Rs.73,892/-. Hence, the petitioner has submitted a representation dated 23.11.2019.

4. In the meanwhile, the Contempt petition was closed with liberty to work out his remedy. Hence the contention of the petitioner is that the respondents are bound to pay interest for the belated payment. In the order of this Court, the respondents were directed to pay 12 equal installments with interest. If there is default in paying the installments, the petitioner is entitled to 18% for the delayed payment.

5. Already the respondent's corporation is under financial constraints. That is why, this Court granted installment for payment of terminal benefits. Infact, the respondents have paid the terminal benefits with applicable interest and also paid interest as directed by this Court.



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6. Now, the petitioner is seeking belated interest at the rate of 18%.

Since the respondents' corporation is financially distressed, this Court is not inclined to entertain this writ petition for belated payment of Commutation. As on date the respondents had paid the entire amount to the petitioner.

7. Accordingly, this Writ Petition stands dismissed. No Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

ksa

**ORDER made in
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27.06.2023