



W.P.No.2214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2214 of 2024

M.Kanagarathinam

...Petitioners

-Vs-

1.The Managing Director
Tamilnadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem-636 007.

2.The General Manager
TamilNadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Bharathipuram,
Dharmapuri District.

3.The Administrator,
Tamil Nadu State Transport Corporation Employees
Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to disburse the belated payment of interest amount of Provident Fund, Gratuity, Leave Salary, Commutation amounts and other unsettled benefits Arrears of Leave Surrender, ERBS Pension and Deference of Terminal Benefits as per 12(3) wage settlement with effect from 01.04.2020.

For petitioner : Mr.N.Desingu
For respondents – 1 & 2 : Mr.K.Raja
For respondent 3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondents to disburse the belated payment of interest amount of Provident Fund, Gratuity, Leave Salary, Commutation amounts and other unsettled benefits Arrears of Leave Surrender, ERBS Pension and Deference of Terminal Benefits as per 12(3) wage settlement with effect from 01.04.2020.



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2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

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 : -

"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.



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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 the actual disbursement, as expeditiously as possible and in any event, not before the expiry of three month from the date of receipt of a copy of this order.

4. This Court is of the view that the respondents 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.

5. In the light of the above findings, there shall be a direction to the respondents 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 the retirement, till the date of actual disbursement, within a period of eight weeks from the date of receipt of copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

01.02.2024

Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN,J.
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To

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