



WEB COPY



W.P.No.2286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2286 of 2024

and

W.M.P.No.2480 of 2024

K.Jeevanandam

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Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Vengikkal Bye Pass Road
Thiruvannamalai – 606 601.

3. The Administrator,
Tamil Nadu State Transport Corporations
Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai – 600 002.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned order of the second respondent in Letter No.36689/Ee/Thi/Ooo.Ni/TNSTC (VPM)/T.Malai/2023 dated 29.06.2023 and quash the same and direct the respondents to pay interest at the rate of 8% per annum to the petitioner for the belated payment of his Provident Fund, Earned Leave Salary, Gratuity and Commuted value of pension within a time limit to be stipulated by this Court.

For Petitioner : Mr.P.Manoj Kumar

For R1 & R2 : Mr.R.Venkatesa Perumal

For R3 : Mr.C.S.K.Sathish

ORDER

This Writ Petition has been filed challenging the order dated 29.06.2023 in Letter No.36689/Ee/Thi/Ooo.Ni/TNSTC (VPM)/T.Malai/2023 passed by the second respondent, thereby rejected the request made by the petitioner with regard to pay interest at the rate of 8% per annum for the delayed sanction and disbursement of retirement benefits.

2. Heard the learned counsel appearing on either side 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 :-



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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 the 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 first 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.



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5. In view of the above, the order dated 29.06.2023 in Letter No.36689/Ee/Thi/Ooo.Ni/TNSTC (VPM)/T.Malai/2023 passed by the second respondent is hereby quashed. Accordingly, this Writ Petition stands allowed. The first respondent is directed 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 a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Vengikkal Bye Pass Road
Thiruvannamalai – 606 601.



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3. The Administrator,
Tamil Nadu State Transport Corporations
Employee's Pension Fund Trust,
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G.K.ILANTHIRAIYAN. J,

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