



WEB COPY



Writ Petition No.31107 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31107 of 2024

S.Nagaraj

S/o.Sitha Naicker

... Petitioner

Vs.

1. The Management of

Tamilnadu State Transport Corporation (Kovai) Ltd.,

Erode Region,

Rep. by its Managing Director,

Erode.

2. The Administrator,

Tamil Nadu State Transport Employees' Pension Fund Trust,

Thiruvalluvar Illam,

Anna Salai,

Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to pay the petitioner interest at the rate of 18% per annum for the period of delay from 01.01.2020 to 24.01.2021, in paying the amounts paid towards his terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Court and without affecting his right to claim balance amounts towards those benefits.



Writ Petition No.31107 of 2024

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.M.Murali Vinoth
Standing Counsel [R1]
Mr.C.S.K.Sathish
Standing Counsel [R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to pay the petitioner interest at the rate of 18% per annum for the period of delay from 01.01.2020 to 24.01.2021, in paying the amounts paid towards his terminal and pension benefits namely EPF Employee's Contribution, Gratuity, Encashment of Leaves and Commutated Value of Pension, within a time frame fixed by this Court.

2. Heard Mr.V.Ajoy Khose, learned counsel for petitioner, Mr.M.Murali Vinoth, learned Standing Counsel appearing for first respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing for second respondent.

3. The case of the petitioner is that he was appointed as Conductor in the first respondent transport corporation on 10.03.1986



and after completion of more than 34 years of service, the petitioner had retired from service on 31.12.2019 as Checking Inspector on attaining the age of superannuation.

4. The grievance of the petitioner is that though the petitioner had retired from service on 31.12.2019, the terminal benefits have been settled only on 24.01.2021 and no interest has been paid for the delay period. In view of the same, the petitioner submitted a representation dated 20.06.2024 to the respondents to pay interest for the delay period. Since the same was not considered, the present writ petition has been filed.

5. Taking into consideration the facts and circumstances of the case and the grievance expressed by the petitioner, there shall be a direction to the respondents to pay the eligible and admissible amount with interest at the rate of 6% p.a. for the belated payment to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch interest at the rate of 12% p.a. from the date on which the amount became due and payable till the date of actual realisation.



WEB COPY



Writ Petition No.31107 of 2024

N.ANAND VENKATESH, J

gm

6. The petitioner is directed to submit a fresh individual representation to the respondent along with a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

22.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

1. The Managing Director,
Management of Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Erode Region, Erode.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

Writ Petition No.31107 of 2024