



WEB COPY



W.P.Nos.35348 and 35351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

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

W.P.Nos.35348 and 35351 of 2023

W.P.No.35348 of 2023

1.T.Shanmugavadivel

2.G.Chakkaravarthy

3.K.Rajendran

4.J.Baskaran

5.E.Kamala

...Petitioners

-VS-

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Salamedu, Kandamanadi P.O,
Villupuram – 605 401.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
No.2, Imperial Road, Cuddalore – 607 002.

3.The Administrator,



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Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai, Chennai – 600 002

... Respondents in
W.P.No.35348 of 2023

W.P.No.35351 of 2023

1.R.Ravichandran

2.B.Dhandapani

3.L.Periyasamy

4.J.Kanagaraj

5.P.M.Murugan

6.H.Syed Kamal Basha

...Petitioners

-Vs-

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Salamedu, Kandamanadi P.O,
Villupuram – 605 401.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Salamedu, Kandamanadi P.O,
Villupuram – 605 401.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai, Chennai – 600 002

... Respondents

Common Prayer : Writ Petitions filed under Article 226 of Constitution of



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India praying for the issuance of a Writ of Mandamus, directing the Respondents to pay interest @ 10% for the belated payment of Provident Fund, gratuity, Leave Salary and commutation of pension amount to the Petitioners.

For Petitioners : Mr.S.T.Varadarajulu
(in both WPs)

For Respondents
1 & 2 : Mr.R.Venkatesa Perumal
(in both WPs) Standing Counsel

For Respondent 3 : Mr.C.S.K.Sathish

COMMON ORDER

These writ petitions have been filed seeking direction to direct the respondents to pay the petitioners at the rate of 10% per annum for the belated payment of retirement benefits i.e., Provident Fund, Gratuity, Leave salary and commutation of pension amount.

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

3. In identical issues, this Court has passed various orders, justifying the



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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.

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.



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4. This Court is of the view that the 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.

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

6. With the above direction, these Writ Petitions are disposed of. No costs.

03.01.2024
(1/2)

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

G.K.ILANTHIRAIYAN. J,



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To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
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