



W.P.No.36477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.36477 of 2023

K.Moorthy

...Petitioner

-Vs-

1.The State of Tamil Nadu
rep. by its Principal Secretary
Transport Department
Fort St.George, Chennai – 9.

2.The Managing Director,
State Express Transport Corporation (TN) Ltd
Chennai.

3.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
rep. by its Administrator
Thiruvalluvar Illam, Pallavan Salai
Chennai – 2.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of leave salary, Provident Fund, gratuity and commutation as sought for in petitioner's representation dated 14.07.2023 within a time to be stipulated by this Hon'ble Court.



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For petitioner : Mr.L.Chandrakumar
For Respondent No.1 : Mr.S.Rajesh
Government Advocate
For respondent No.2 : Mr.S.Sivasubramani
Standing Counsel
For respondent No.3 : Mr.C.S.K.Sathish
Standing Counsel.

ORDER

This writ petition has been filed seeking direction to the respondents to pay interest at the rate of 6% per annum for the belated payment leave salary, Provident Fund, Gratuity and commutation as sought for in the petitioner's representation dated 14.07.2023.

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 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 month from the date of receipt of a copy of this order.

4. This Court is of the view that the second 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 the light of the above findings, there shall be a direction to the second 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.

05.01.2024

Index : Yes/No
Internet: Yes/No
gvn



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To

1. The Principal Secretary,
State of Tamil Nadu
Transport Department
Fort St.George, Chennai – 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd,
Chennai.
3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai
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G.K.ILANTHIRAIYAN,J.
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