



W.A.(MD)No.140 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K.RAMAKRISHNAN**

W.A.(MD)No.140 of 2017

J.Arumugam

...Appellant

/Vs./

- 1.The Management Of Tamilnadu  
State Transport Corporation (Kumbakonam) Ltd.,  
Rep. by its Managing Director,  
Kumbakonam, Tanjavur District.
- 2.The General Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) ltd.,  
Trichy Region, Trichy.
- 3.The Assistant Manager (Personnel),  
Tamilnadu State Transport Corporation (Kumbakonam) ltd.,  
Trichy Region, Trichy.
- 4.The Administrator,  
Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai-02.

...Respondents



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**PRAYER:-** Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court in W.P.(MD)No.13995 of 2014 dated 03.11.2016 insofar as not directing the respondents to pay interest for the belated payment of terminal benefits and by allowing this writ appeal.

For Appellant : Mr.A.Rahul

For Respondents : No appearance

### **JUDGMENT**

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been preferred against the order passed by the learned Single Judge of this Court in WP(MD)No.13995 of 2014 dated 03.11.2016, which was filed challenging the order passed by the third respondent, who had ordered recovery of the amount from the writ petitioner's gratuity towards the unimplemented punishment of increment cut and excess leave with a further direction to the authorities to settle the pension benefits.



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2. The case of the writ petitioner is that he was working as Driver in the first respondent Corporation and was also superannuated. Since the retirement benefits have not been disbursed, the writ petitioner made a representation to the respondents, which was also considered by way of the impugned order in the writ petition. Challenging the same, the writ petitioner filed the writ petition, which was allowed directing the respondents to settle the terminal benefits of the petitioner on the basis of the judgment of the Hon'ble Supreme Court, wherein it has been clearly stated that recovery proceedings after retirement due to the mistake committed by the Government is not allowed to be issued. Challenging the same, the writ petitioner has filed this writ appeal only insofar as seeking interest for belated payment of terminal benefits.

3. The learned counsel appearing for the appellant submits that as per the orders passed by this Court in similar issues and the judgments of the Hon'ble Supreme Court, the writ petitioner / appellant is entitled for interest at the rate of 6% per annum. There was no dispute with



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regard to the same. The learned Single Judge has not considered the interest portion for payment of terminal benefits.

4. This Court considered the rival submissions made on either side.

5. It is seen that the writ petitioner / appellant is now before this Court with a plea that interest for belated payment has not been ordered. Considering the facts and circumstances of this case, this Court directs the respondents to disburse the terminal benefits along with interest at the rate of 6% per annum as per the Judgments of the Hon'ble Division Bench of this Court in WA(MD)No.383 to 457 of 2015 dated 12.06.2015, less the amount already deposited, within a period of four weeks from the date of receipt of a copy of this order.

6. This writ appeal is allowed with the above direction. No costs.

**(V.B.S.J.) & (K.K.R.K.J.)**  
**26.02.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes



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**V.BHAVANI SUBBAROYAN, J.**  
**and**  
**K.K. RAMAKRISHNAN, J.**

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Judgment made in  
**W.A.(MD)No.140 of 2017**

Dated:  
**26.02.2024**