



WP(MD). No.5440 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.02.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.5440 of 2026

S.Velunayakkar

... Petitioner

Vs

1. The Management of
Tamilnadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Rep. by its Managing Director,
Madurai.

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, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the petitioner's interest at the rate of 18% per annum for the delay in paying the amounts paid towards the terminal and pension benefits of his deceased father/retired employee (Late) V.Selvaraj, Staff No.DR06783 for the period from 01.10.2023 to 02.09.2025 towards paying EPF Employee's Contribution and Gratuity



WP(MD). No.5440 of 2026

and for the period of delay from 01.10.2023 to 08.12.2025 toward the Commutated Value of Pension, within a time frame as may be fixed by this Court and without affecting the right to claim balance amounts towards those benefits.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.SC.Herold Singh,
Standing Counsel

ORDER

The petitioner is the son of one V.Selvaraj, who was the employee of the respondent Transport Corporation. He joined as a Driver in the respondent Transport Corporation on 25.08.1989 and after rendering 36 years of service, he voluntarily retired from service as Special Grade Driver on 30.09.2023 and he died on 22.09.2024 without getting the retirement benefits. However, the retirement benefits due to the petitioner's father were settled belatedly. Seeking interest for the belated payment, the petitioner gave a representation to the respondents on 20.01.2026, however, it was not considered by the respondents. Therefore, the petitioner has filed this writ petition for the above said relief.



WP(MD), No.5440 of 2026

2. Mr.SC.Herold Singh, learned Standing Counsel, takes notice on behalf of the respondents submits that the retirement benefits of the deceased employee have been settled to the petitioner, however belatedly.

3. By consent of both the parties, the writ petition is taken up for final hearing at the admission stage itself.

4. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5. The employer is liable to settle the retirement benefits to its employees without any delay and in case, if it is settled belatedly, it has to be compensated by way of interest for the belated payment. In this regard, the Hon'ble Apex Court in ***S.K.Dua vs. State of Haryana*** reported in **2008 (3) SCC 44**, has held as follows:

“14. In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory rules



occupying the field, the appellant could claim payment of interest relying on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in absence of statutory rules, administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of “bounty” is, in our opinion well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in living even without issuing notice to the respondents.”

6. Following the same, in a similar issue, a Division Bench of this Court, in W.A.(MD)No.403 of 2010, etc. batch, vide common order dated 04.07.2014, has fixed the rate of interest at 6% per annum and held as under:-

“5. even though there is no provision in the Tamil Nadu State Transport Corporation Employees Pension Fund for payment of interest, cannot stand in the



WP(MD). No.5440 of 2026

light of the law laid down by the Supreme Court in S.K.Dua v. State of Haryana and another, reported in (2008) 3 SCC 44. As a matter of fact, the Rules do not contemplate belated payment of retirement benefits. The Rules contemplate prompt payment. When the Rules contemplate prompt payment and not belated payment, the Rules will not contain a provision for payment of interest. The Pension Fund which was created as a Trust by the Corporation was supposed to act in trust for the employees' benefit. If the Trust could not make payments within the time stipulated, then, irrespective of whether there is any provision for payment of interest or not, the Corporation is obliged to make payment.”

7. Following the dictum laid down on this issue, the writ petition is allowed with a direction to the respondents to pay interest for the belated payment of retirement benefits of the petitioner's father at the rate of 6% per annum within a period of six months from the date of receipt of a copy of this order. No costs.

27.02.2026

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Index : Yes / No.

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WEB COPY



WP(MD), No.5440 of 2026

B.PUGALENDHI, J.

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To

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