

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.03.2020  
PRONOUNCED ON : 23.03.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.5011 of 2020

K.Vijayan

... Petitioner

Vs.

1.The Chief Secretary,  
State of Tamilnadu,  
Transport Department,  
Fort St George,  
Chennai-9

2.The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd,  
Vazhuthareddy Post,  
Salamedu,  
Villupuram-605 602

3.The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd,  
Vellore Region,  
Rangapuram,  
Vellore -9

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned communication dated 29.01.2020 in Letter No.523-SNI 27/ TNSTC(V)Vellore/2019 passed by the third respondent, to quash the same and consequently direct the respondents to pay interest for the belated payment of Gratuity, Earned Leave Salary and Commutation amounts interest @ 12% p.a. with effect from 01.07.2018 within the stipulated time.

For Petitioner :Mr.N.Desinghu  
For Respondents :Mrs.R.Janaki, AGP for R1  
Mr.C.S.K.Sathish, SC for R2 & 3

## ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned communication dated 29.01.2020 in Letter No.523-SNI 27/TNSTC(V)Vellore/2019 passed by the third respondent, to quash the same and consequently direct the respondents to pay interest for the belated payment of Gratuity, Earned Leave Salary and Commutation amounts interest @ 12% p.a. with effect from 01.07.2018 within the stipulated time.

2.The case of the petitioner is that he joined the service of the respondent Corporation on 01.05.1992 as a Conductor on daily wages in erstwhile Pattugottai Azhagiri Transport Corporation, Vellore and later, his services were regularized as a Special Grade Conductor in Tamil Nadu State Trasport Corporation (Villupram) Vellore Region. On attaining the age of superannuation, he retired from service on 30.06.2018.

3. According to the petitioner, since the terminal benefits due and payable as on 30.06.2018, were settled belatedly after a period of 15 months, i.e. on 19.09.2019, he is entitled to the interest from 01.07.2018 till the date of payment. It appears that the petitioner urged the respondents for the payment of interest for the belated payment of Gratuity, Earned Leave Salary and Commutation amount. However, by the impugned order dated 29.01.2020, the 3<sup>rd</sup> respondent rejected the claim of the petitioner. Hence, the petitioner has come forward with the present Writ Petition.

4. In response to the notice issued by this Court, Ms.R.Janaki, learned Addl.Govt.Pleader entered appearance for R1 and Mr.C.S.K.Sathish, the learned Standing Counsel entered appearance on behalf of second and the third respondents.

5. The learned counsel appearing for the petitioner would submit that in respect of similar claim of the Transport employees, a learned Division Bench of this Court has directed the Transport Corporation to pay the dues payable to the retired employees in 12 equal monthly instalments with interest @ 6% p.a. Recently, a learned Single Judge of this Court, vide order dated 27.01.2020 in W.P.No.1435 of 2020, while following the directions of the learned Division Bench of this Court, has disposed of the Writ petition. The relevant portion of the order passed by the learned Single Judge of this Court as found

in paragraph nos.4 to 6 is extracted hereunder:

4. A similar writ petition came to be filed before this Court seeking for a similar relief in WP(MD) No.23869 of 2019 and this Court has passed the following order :

3. According to the petitioners, they lastly worked as Special Grade Driver, Special grade driver, Special Grade Conductor and Special Grade Driver respectively in the respondent Transport Corporation and retired from service on 30.06.2018, 31.07.2018, 31.07.2018 and 31.01.2019. Their terminal benefits were settled on 31.08.2019 with a long delay. The grievance of the petitioners is that, the respondents have not paid the interest for the delayed payment as per the Judgement of the first Bench of this Court, dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015. They have made representation to the respondents on 14.10.2019 and the respondents have not passed any orders on the representation. Hence, the petitioners have come out with the present writ petition.

4. This issue has already been decided by the First Bench of this Court referred to above. In view of the same, the respondents are directed to pay the interest at the rate of 6% for the delayed payment in twelve (12) equal installments on or before 10th day of every English calendar Month. The first installment is to be paid on or before 10th day of February, 2020.

5. The above judgement, which in turn relied upon the earlier Division Bench Judgement, will squarely apply to the facts of the present case also. In view of the same, the respondents are directed to pay interest at the rate of 6% for the delayed payment of the retiral benefits in 12 equal installments on or before 10th of every English calendar month. The first installment is directed to be paid on or before the 20th day of February 2020.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is also closed."

5. The learned counsel appearing for the petitioner would submit that a similar direction may be issued in this Writ Petition also.

6. In view of the above and since the issue raised in the present Writ petition is squarely covered by the decision of the learned Division Bench as well as the learned Single Judge of this Court mentioned above, the present Writ Petition is also disposed of, by giving the following directions:

The impugned order passed by the 3rd respondent in Letter No.523-SNI 27/TNSTC(V) Vellore/2019 is set aside and consequently, the respondents are directed to pay interest at 6% p.a. for the belated payment of Gratuity, Earned Leave Salary and Commutation amount with effect from 01.07.2018 till 18.09.2019 and such payment shall be made within a period of two months from the date of receipt of a copy of this order and in default to pay enhanced interest @ 9 p.a till the date of actual payment.

7. The Writ Petition is disposed of, accordingly. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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dn/suk

To

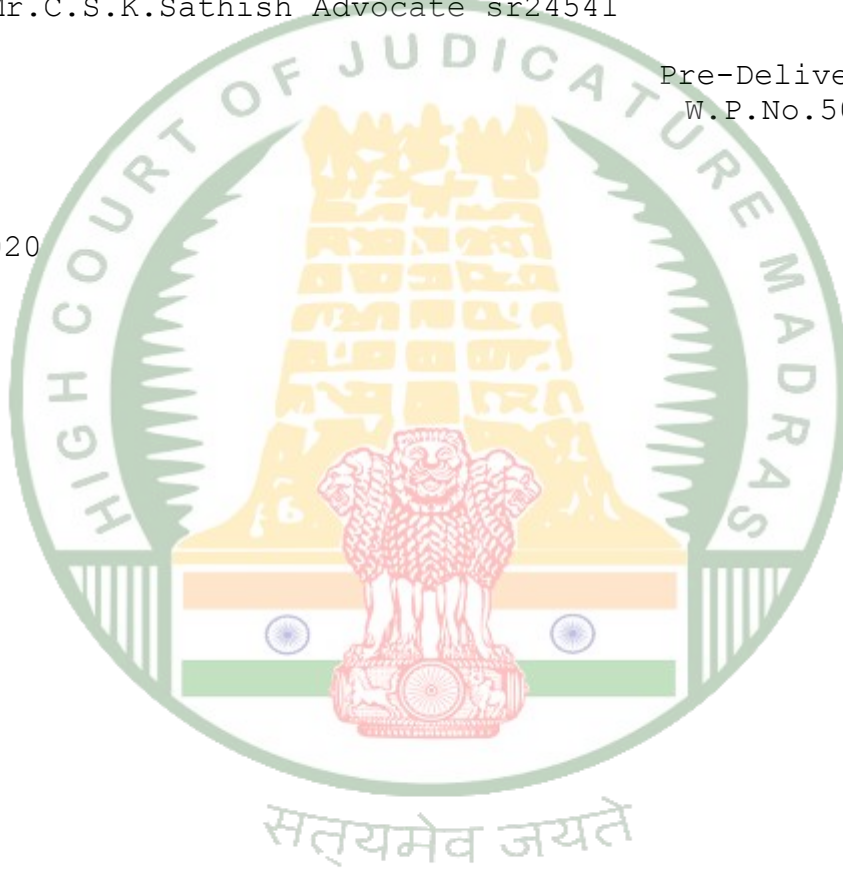
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+1 cc to Mr.C.S.K.Sathish Advocate sr24541

Pre-Delivery Order in  
W.P.No.5011 of 2020

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