



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. Nos.11801,11802,11803,11804,11806,11807&11810 of 2021

W.P. No.11801 of 2021

N.Balasubramanian ..Petitioner

W.P. No.11802 of 2021

K.S.Tamilarasu ..Petitioner

W.P. No.11803 of 2021

A. Manokaran ..Petitioner

W.P. No.11804 of 2021

K.Selvaraj ..Petitioner

W.P. No.11806 of 2021

R. Nagarajan ..Petitioner

W.P. No.11807 of 2021

T. Rakkimuthu ..Petitioner

W.P. No.11810 of 2021

V. Sakthivel ..Petitioner

Versus

The Management of Tamil Nadu State

Transport Corporation (Kovai) Ltd.,

Rep.by its Managing Director,

Coimbatore

..Respondent in all NPs

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay interest to the petitioner at the rate of 18% per annum for the period of delay from 01.03.2018 to 02.11.2019, in paying the amounts paid towards petitioner



terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earner/Sick Leaves within a time frame as may be fixed by this Hon'ble Court.

Prayer : W.P.11802, 11803, 11804, 11806, 11807 & 11810 of 2021 : Filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus directing the respondent to pay interest to the petitioner at the rate of 18% per annum for the period of delay from 01.05.2019 to 24.01.2021, 01.05.2019 to 24.01.2021, 01.05.2019 to 24.01.2021, 01.05.2019 to 24.01.2021, 01.06.2019 to 24.01.2021 and 01.10.2019 to 24.01.2021 respectively in paying the amounts paid towards petitioner terminal benefits namely EPF Employees Contribution Gratuity and Encashment of Earned / Sick Leaves within a time from as may be fixed by this court and without affecting my right to claim balance amounts towards those benefits.

For Petitioner : Mr. V.Ajoy Khose
(in all W.P's.)

For Respondents : Mr. A.Sundaravadanan
(in all W.P's.) Standing Counsel

C O M M O N O R D E R

Since the facts in all these writ petitions are one and same, these petitions are disposed of by a common order. Mr. A.Sundaravadanan, learned Standing Counsel, accepts notice on behalf of the respondents. With the consent of all parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions are filed for issuance of a writ of mandamus directing the respondents to pay the petitioner the interest @ 18% per annum for the belated payment of the petitioners' terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned / Sick leaves, within a time stipulated by this Court.

3. There is no dispute with regard to the fact about the belated payment to the petitioners. Learned counsel appearing for the petitioners submitted that in similar cases though interest @ 6% was awarded by this Court, recently in a few judgments of this Court the rate of interest has been reduced from 6% to 4% based on the request of Transport Corporation because of their financial crisis due to Covid-19 pandemic. Learned counsel appearing for the petitioners further states that there is no dispute with regard to the factual averments. It is well settled that retirement dues must be paid in time.



4. Learned Standing Counsel appearing for the respondents has no serious objection as to the grant of interest @ 4% and a direction to pay the interest in six equal monthly instalments.

5. Based on the submissions of the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents, this Court is inclined to pass order in the following lines:

"The respondent is directed to calculate and pay interest @ 4% for the delay in payment of terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned / Sick leaves, from the date of due till the date of actual payment. The respondent shall make the payment in six equal monthly instalments commencing from 01.09.2021. The respondent shall pay interest @ 6% if there is further delay beyond three months. It is also open to the petitioner to approach this Court for modification of this order for higher interest, in case the amount is not disbursed within a period of one year from the date of first instalment as per this order."

6. With the above directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bkn

To

The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Kovai) Ltd.,
Coimbatore.

+7cc to Mr.V.Ajoy Khose, Advocate, S.R.No.35139, 35138, 35140,
35141, 35142, 35143, 35144

+1cc to the Government Pleader, S.R.No.26778

W.P. Nos. 11801, 11802, 11803, 11804,
11806, 11807 & 11810 of 2021

PVS (CO)
RGA(16/08/2021)