



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11388 of 2021

(Through Video Conferencing)

K.Sadhasivam

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd,
No.3/137, Salamedu,
Vazhuthareddy Post,
Villupuram - 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the petitioner interest at 6% for the belated payment of the gratuity, leave salary, commutation of pension and other benefits to the petitioner for the period from 30.04.2019 the date of retirement to 23.01.2021 the date of settlement by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 and in C.M.P.No.6352 of 2018 in W.A.No.665 of 2018 dated 13.07.2018.

For Petitioner : Mr.V.S.Jagadeesan

For Respondent : Mr.C.S.K.Sathish kumar
Standing Counsel

O R D E R

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to pay the petitioner interest at the rate of 6% per annum, for the belated payment of the gratuity, leave salary, commutation of pension and other benefits to the petitioner for the period from 30.04.2019 the date of retirement to 23.01.2021 in terms of the decision of the First Bench of the Madurai Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015.



2.The First Bench of the Madurai Bench of this Court, in the above case, has directed the State Transport Corporation to settle the terminal benefits of its employees in 12 equal monthly installments and to pay interest at the rate of 6% on the terminal benefits payable to the workman. The First Bench of the Madurai Bench of this Court has also held that workman is entitled to 18% interest for the defaulted period of installments.

3.It is noticed that though the above observation of the First Bench of the Madurai Bench of this Court was followed by a learned Single Judge in W.P.No.15886 of 2020 vide order dated 19.01.2021, the learned Single Judge has subsequently modified the views in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due to the outbreak of Covid-19 with the following directions:-

"(i) Respondent/Transport Corporation is directed to pay interest @ 4% per annum to the Petitioner for the belated payment of gratuity, leave salary and communication of pension amount that are yet to be settled, in six equal monthly instalments, commencing 01.04.2021.

(ii) In case of delay in making instalments within the time stipulated supra, with reference to the judgment of the Division Bench of this Court (supra), interest payable for the period of delay shall be at 6% per annum."

4.Considering the same, this Writ Petition is disposed by directing the respondents to consider the representation dated 19.04.2021 of the petitioner and to pay the benefits of the petitioner namely Gratuity, Leave Salary, Commutation of Pension and other legal dues to the petitioner in six equated monthly instalments commencing from 1st January, 2022. As far as the encashment of earner leave is concerned, the respondent shall pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd,
No.3/137, Salamedu,
Vazhuthareddy Post,
Villupuram - 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/s.C.S.K.Sathish, Advocate, S.R.No.55776

+1cc to M/s.V.S.Jagadeesan, Advocate, S.R.No.55263

W.P.No.11388 of 2021

RR(CO)
RGA(07/12/2021)