



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. Nos. 13909, 13910, 13912, 13913, 13914, 13916, 13919,
13920, 13922, 13923, 13927 & 13925 of 2021

N.Prabakaran	...Petitioner in W.P.No.13909/2021
A.Ramkumar	...Petitioner in W.P.No.13910/2021
S.Kumar	...Petitioner in W.P.No.13912/2021
K.Ravi	...Petitioner in W.P.No.13913/2021
M.Anbu	...Petitioner in W.P.No.13914/2021
D.Manoharan	...Petitioner in W.P.No.13916/2021
K.Ramesh Babu	...Petitioner in W.P.No.13919/2021
P.Pushpakaran	...Petitioner in W.P.No.13920/2021
G.Selvaraj	...Petitioner in W.P.No.13922/2021
M.Nagarajan	...Petitioner in W.P.No.13923/2021
B.Babu	...Petitioner in W.P.No.13927/2021
M.Sundaresan	...Petitioner in W.P.No.13925/2021

Versus

1.Tamil Nadu State Transport Corporation
(Villupuram) ltd.,
Rep. by its Managing Director,
3/137, Salamedu,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore - 632 009.

3.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvallur Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents in all
Writ Petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue Writs of Mandamus directing the respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of the petitioner gratuity, earned leave salary and commuted value of pension, within a specified time as may be fixed by this Hon'ble Court, Award costs.



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

For Respondents : Mr. C.S.K.Sathish
(in all W.P's.) Standing Counsel

C O M M O N O R D E R

Mr. C.S.K.Sathish, learned Standing Counsel, takes notice on behalf of the respondents. With the consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions are filed for issuing a writ of mandamus directing the respondents to pay the petitioner interest @ 6% per annum for the belated payment of the petitioner's gratuity, earned leave salary and commuted value of pension, 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 states that there is no dispute with regard to the factual averments. Learned counsel appearing for the petitioners also states that the third respondent is the competent authority to disburse the commuted value of pension and respondents 1 and 2 are the persons who are liable to pay other Counts. 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 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 third respondent is directed to calculate and pay interest @ 4% for the delay in payment of commuted value of pension from the date of due till the date of actual payment. Similarly, the respondents 1 and 2 are also directed to pay interest @ 4% for the belated payment of petitioner's gratuity and earned leave salary. The respondents shall make the payment in six equal monthly instalments commencing from 01.08.2021. The respondents 1 and 2 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

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) ltd.,
3/137, Salamedu,
Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore - 632 009.
- 3.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvallur Illam, Pallavan Salai,
Chennai - 600 002.

+12cc to Mr.C.S.K.Sathish, Advocate, S.R.No.32047/21,
32048/21, 32049/21, 32050/21, 32051/21, 32052/21, 32053/21,
32054/21, 32055/21, 32056/21, 32057/21, 32058/21

+12cc to Mr.V.Ajoy Khose, Advocate, S.R.No.31564/21, 31565/21,
31566/21, 31567/21, 31568/21, 31569/21, 31570/21, 31571/21,
31572/21, 31573/21, 31574/21, 31575/21

W.P. Nos. 13909, 13910, 13912, 13913, 13914, 13916, 13919,
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RLD(CO)
RVM(30/07/2021)