



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

WP.Nos.15636, 15640, 15647, 15651, 15654 & 15656/2021

M.Devarajan	..	Petitioner in WP.No.15636/2021
P.Sowkathali	..	Petitioner in WP.No.15640/2021
R.Subramaniam	..	Petitioner in WP.No.15647/2021
N.Sekar	..	Petitioner in WP.No.15651/2021
V.Subramanian	..	Petitioner in WP.No.15654/2021
R.Kasinathan	..	Petitioner in WP.No.15656/2021

Versus

1. The Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., rep.by its Managing Director,
Ramakrishna Salai, Salem.
 2. The General Manager
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai, Salem.
 3. The Chief Financial Advisor cum
Chief Accounts Officer,
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai, Salem.
 4. The Administrator
TNSTC EPF Trust
Thiruvalluvar House
Pallavan Salai, Chennai 600 002.
.. Respondents in WP 15636 & 15654 of 2021
1. The Tamil Nadu State Transport corporation
(salem) Limited
Rep. by its Managing Director
Ramakrishna Road, Salem.



2. The General Manager
The Tamil Nadu State Transport Corporation
(Salem) Limited, Dharmapuri Region
Bharathipuram, Dharmapuri.

3. The Chief Financial Advisor
cum Chief Accounts Officer,
The Tamil Nadu State Transport Corporation
(Salem) Limited,
Ramakrishna Road, Salem.

... Respondents in WP Nos.15640, 15647 & 15651 of 2021

1. The Tamil Nadu State Transport corporation
(salem) Limited
Rep. by its Managing Director
Ramakrishna Road, Salem.

2. The General Manager
The Tamil Nadu State Transport Corporation
(Salem) Limited, Dharmapuri Region
Bharathipuram, Dharmapuri.

3. The Chief Financial Advisor
cum Chief Accounts Officer,
The Tamil Nadu State Transport Corporation
(Salem) Limited,
Ramakrishna Road, Salem.

4. The Administrator
TNSTC EPF Trust, Thiruvalluvar House
Pallavan Salai, Chennai 600 002

... Respondents in WP No.15656 of 2021

Prayer in WP 15636/2021 : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC] and Social Security Scheme amount and also along with interest at the rate of 18% per annum for the belated payment of retirement benefits including Provident Fund, Leave Salary, Gratuity amount, commutation amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC], Retirement benefit scheme amount and social security scheme amount within the time limit that may be fixed by this Court.

Prayer in WP No.15640 of 2021 : Directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC)



and Social Security Scheme amount and also along with interest at the rate of 18 percentage per annum for the belated payment of retirement benefits including, Provident Fund, Leave Salary , Gratuity amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC), Retirement Benefit Scheme amount and Social Security Scheme amount within the time limit that may be fixed by this Honourable Court.

Prayer in WP No.15647 of 2021 : Directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC) and Social Security Scheme amount and also along with interest at the rate of 18 percentage per annum for the belated payment of retirement benefits including, Provident Fund, Gratuity amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC), Retirement Benefit Scheme amount and Social Security Scheme amount within the time limit that may be fixed by this Honourable Court.

Prayer in WP No.15651 of 2021 : Directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC) and Social Security Scheme amount and also along with interest at the rate of 18 percentage per annum for the belated payment of retirement benefits including, Provident Fund, Leave Salary, Gratuity amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC), Retirement Benefit Scheme amount and Social Security Scheme amount within the time limit that may be fixed by this Honourable Court.

Prayer in WP No.15654 of 2021 : Directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC) and Social Security Scheme amount and also along with interest at the rate of 18 percentage per annum for the belated payment of retirement benefits including, Provident Fund, Leave Salary, Gratuity amount, Commutation amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC), Retirement Benefit Scheme amount and Social Security Scheme amount within the time limit that may be fixed by this Honourable Court.

Prayer in WP No.15656 of 2021 : Directing the respondents to pay the Retirement Benefit Scheme amount, share amount of Erode Engineering College (EEC) and Perundurai Medical College (PMC) and Social Security Scheme amount and also along with interest at the rate of 18 percentage per annum for the belated payment of retirement benefits including, Provident Fund, Leave Salary , Gratuity amount, Commutation amount, share amount of Erode



Engineering College (EEC) and Perundurai Medical College (PMC), Retirement Benefit Scheme amount and Social Security Scheme amount within the time limit that may be fixed by this Honourable Court.

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For Petitioners in
all WPs : Mr.D.Senthil Kumar
For Respondents 1 to 3
in all WPs : Mr.D.Raghu
Standing Counsel

COMMON ORDER

- (1) By consent, the writ petitions are taken up for final disposal and disposed of by this common order as the issue involved and to be adjudicated, is one and the same.
- (2) The writ petitions are filed by the petitioners, retired employees of the respondent/Transport Corporation, for issuance of a writ of mandamus directing the respondents to disburse the payments relating to Retirement Benefit Scheme amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC] and Social Security Scheme amount along with interest at the rate of 18% per annum for the belated payment of retirement benefits including Provident Fund, Leave Salary, Gratuity amount, commutation amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC], Retirement benefit scheme amount and social security scheme amount within the stipulated time as may be fixed by this Court.
- (3) Mr.D.Raghu, learned Standing counsel accepts notice on behalf of the respondents.
- (4) In similar cases, this Court has recently reduced interest at 4% per annum for the delayed payment. It is admitted that the petitioners are entitled to terminal benefits and there was delay in settlement of terminal benefits namely Retirement Benefit Scheme amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC] and Social Security Scheme and all other retirement benefits along with interest for the belated payment of retirement benefits including Provident Fund, Leave Salary, Gratuity amount, commutation amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC], Retirement benefit scheme amount and social security scheme amount and hence, prayed for payment of interest for the delayed payment. This Court uniformly has recognised the petitioner's entitlement to interest. Though



interest @ 6% was granted earlier, the Courts have subsequently reduced the rate of interest from 6% to 4% considering the difficulties of the Transport Corporation during Covid Pandemic.

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- (5) This Court is inclined to dispose of the writ petitions with the following direction:

The 1st respondent / Transport Corporation is directed to disburse the amount towards Retirement Benefit Scheme amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC] and Social Security Scheme and all other retirement benefits within a period of twelve weeks from the date of receipt of a copy of this order. The respondents shall also pay the interest @ 4% per annum for the delayed payment of the retirement benefits including Provident Fund, Leave Salary, Gratuity amount, commutation amount, share amount of Erode Engineering College [EEC] and Perundurai Medical College [PMC], Retirement benefit scheme amount and social security scheme amount. The amount calculated towards interest should be paid in six monthly instalments commencing from 01.09.2021. In case of any further delay in paying instalments within the time stipulated by this order, the interest payable will be @ 6% for the delayed payment. If there is any dispute with regard to quantum, the parties are at liberty to workout their remedy independently and if there is a delay in payment beyond one year, then the petitioners are liberty to approach this Court for higher rate of interest.

- (6) Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai
Salem.



2. The General Manager
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai, Salem.

3. The Chief Financial Advisor cum
Chief Accounts Officer,
Tamil Nadu State Transport Corporation Ltd
[Salem] Ltd., Ramakrishna Salai, Salem.

4. The Administrator
TNSTC EPF Trust
Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

5. The General Manager
The Tamil Nadu State Transport Corporation
(Salem) Limited, Dharmapuri Region
Bharathipuram, Dharmapuri.

+2CCs to Mr.D.Senthil Kumar, Advocate, Sr.No.37020

+6CCs to Mr.D.Raghu, Advocate, Sr.No.37037

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15651, 15654 & 15656/2021

PA (CO)
K.RK. (28.09.2021)